



City of Lawrence

DAVID L. CORLISS
CITY MANAGER

City Offices
PO Box 708 66044-0708
www.lawrenceks.org

6 East 6th St
785-832-3000
FAX 785-832-3405

CITY COMMISSION

MAYOR
MICHAEL DEVER

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

October 8, 2013

The Board of Commissioners of the City of Lawrence met in regular session at 6:35 p.m., in the City Commission Chambers in City Hall with Mayor Dever presiding and members Amyx, Farmer, Riordan and Schumm present.

A. RECOGNITION/PROCLAMATION/PRESENTATION:

1. Proclaim the week of October 13 – 19, 2013 as LiveWell Week.
2. Proclaim the month of October, 2013 to be Meet the Blind Month and October 15, 2013 to be White Cane Safety Day.

B. CONSENT AGENDA

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

1. Approved the City Commission meeting minutes from 09/10/13 and 09/17/13.
2. Received minutes from various boards and commissions:

Sustainability Advisory Board meeting of 08/14/13
Cultural District Task Force meeting of 09/10/13
3. Approved claims to 524 vendors in the amount of \$4,912,909.69 and payroll from September 22, 2013 to October 5, 2013 in the amount of \$1,869,518.50.
4. Approved the drinking establishment license for India Palace, 129 East 10th Street.
5. Bid and purchased items:
 - a) Approved change order for Bob Billings (Eastbound Lanes) Project Number PW1225 in the amount of \$76,220.07.
 - b) Authorized City Manager to enter into agreement with BG Consultants for the engineering design for stormwater improvements at 23rd and Ousdahl, Project Number PW1134 in the amount of \$89,702.



- c) Authorized the City Manager to execute engineering services agreements with Professional Engineering Consultants for design phase engineering services for Waterline Replacement Projects UT1309DS, 23rd Street Phase II Alabama to Ousdahl in the amount of \$62,971; UT1313DS, Mississippi Street 3rd to 9th in the amount of \$86,896; UT1314DS, Lawrence Avenue 27th to 31st in the amount of \$63,600; and UT1315DS, Arkansas Street 2nd to 4th in the amount of \$38,604.
 - d) Authorized staff to advertise a Request for Proposals, RFP R1322, for Design Phase Engineering Services for the 2014-2015 Watermain Relocation/Rehabilitation Program.
 - e) Approved selection of MV Transportation, Inc., as the vendor for contracted transportation services beginning January 1, 2014, and authorized staff to proceed with negotiations.
6. Authorized the City Manager to execute an amended agreement for donation of land located at the northwest corner of 31st and Louisiana to the City of Lawrence from Savannah Holdings, L.C. and Bruce and Joan Snodgrass.
 7. Adopted on first reading, Ordinance No. 8924, annexing 8.68 acres located at the northwest corner of 31st Street and Louisiana into the city limits.
 8. Adopted the following ordinances on second and final reading:
 - a) Ordinance No. 8915, amending the Sign Code in Chapter V, Article 18, Section 1841.6, by adding Section 1841.6(D). The proposed amendment allowed changeable, digital display of gasoline and fuel product and numeric price information on ground/surface mounted (monument type) signs in Commercial or Industrial Districts, limited to not more than twenty-five percent (25%) of the total sign face area.
 - b) Ordinance No. 8916, amending the Permit Fee Schedule in Chapter V, Article 1, Section 176, by adding Note F. The proposed amendment established a uniform fee of \$65 for solar, thermal, and photovoltaic systems requiring no structural changes to the building.
 9. Approved Comprehensive Plan Amendment, CPA-13-00272, to Horizon 2020, Chapter 8-Transportation, to incorporate the Goals, Objectives and Strategies in the new T2040 Metropolitan Transportation Plan. *Initiated by City Commission on 6/11/13.* Adopted on first reading, Joint City Ordinance No. 8910/County Resolution No. 13-26, for Comprehensive Plan Amendment, CPA-13-00272, to Horizon 2020, Chapter 8-Transportation, to incorporate the Goals, Objectives and Strategies in the new T2040 Metropolitan Transportation Plan. (PC Item 3; approved 9-0 on 8/26/13)
 10. Approved a request to rezone, Z-13-00319, approximately 4.767 acres, including right-of-way, from UR (Urban Reserve) District to CO (Office Commercial) District, located at 4930 Overland Drive and 450 Wakarusa Drive. Submitted by Colliers International on behalf of EBRPH LLC, property owner of record. Adopted on first reading, Ordinance No. 8917, to rezone (Z-13-00319) approximately 4.767 acres, including right-of-way,

from UR (Urban Reserve) District to CO (Office Commercial) District, located at 4930 Overland Drive and 450 Wakarusa Drive. (PC Item 5; approved 10-0 on 9/23/13)

11. Approved a request to rezone, Z-13-00286, approximately 1.3 acres from IG (General Industrial) District to RM32-PD Overlay (Multi-Dwelling Residential with PD Overlay) District, located at 900 Delaware St. Submitted by Bartlett & West, Inc., for Provident Family, LP, property owner of record. Adopted on first reading Ordinance No. 8919, to rezone (Z-13-00286) approximately 1.3 acres from IG (General Industrial) District to RM32-PD Overlay (Multi-Dwelling Residential with PD Overlay) District, located at 900 Delaware St. (PC Item 8A; approved 10-0 on 9/23/13)
12. Approved Preliminary Development Plan, PDP-13-00299, and associated modifications for 9 Del Lofts, a multi-dwelling residential development with 43 dwelling units, located at 900 Delaware St. Modification requests are related to the off-street parking requirements, and setback standards. Submitted by Bartlett & West Inc., for Provident Family, LP, property owner of record. (PC Item 8B; approved 10-0 on 9/23/13)
13. Accepted dedications of rights-of-way and easements and vacation of easements shown on PF-13-00318, the Final Plat for the Douglas County Public Works Addition; a 1 lot subdivision of approximately 46 acres, located south of E 25th Street & Franklin Park Circle. Submitted by Bartlett & West, for Douglas County Board of Commissioners, property owner of record. Adopted on first reading, Ordinance No. 8923, changing street name from 'Franklin Park Circle' to 'Franklin Park Court'.
14. Approved a Special Event, SE-13-00386, for a Free Concert to be held in the private parking lot south of The Granada on October 19, 2013. Submitted by Mike Logan, owner of The Granada, with permission from Allen Press Inc., property owner of record.
15. Approved a Temporary Use of Public Right-of-Way Permit for the Mother Earth News Fair allowing the following street closures: closure of 7th Street between Tennessee Street and Kentucky Street, Thursday – Monday, October 10-14, 2013, 24 hrs/day; and closure of the 600 block of Tennessee Street on Sunday, October 13, from 6:30 p.m. – 9:00 p.m.
16. Approved a Temporary Use of Public Right-of-Way Permit for the Lawrence Bicycle Club's Octoginta, closing Massachusetts Street from 11th Street to 13th Street on Sunday, October 13, from 7:00 a.m. – 9:00 a.m.
17. Authorized staff to apply for FEMA Assistance to Firefighters Grants for the following projects:
 - a) Replacement of Self-contained Breathing Apparatus and Personal Alert Safety System equipment with integrated systems for approximately \$750,000, with a fifteen percent (15%) local match of approximately \$112,500; and
 - b) Replacement of Mobile Data Computers for approximately \$104,615, with a fifteen percent (15%) local match of approximately \$15,692.
18. Authorized Mayor to sign a Release of Mortgage for Gabriel Gutierrez and Risa Gutierrez, 306 Clayton Court.

19. Appointed Sarah Bloxsom to a Human Relations Commission position that expires 09/30/15 and Carl Edwards to a Human Relations Commission position that expires 09/30/14.

C. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report.

D. REGULAR AGENDA ITEMS:

1. **Considered adopting on first reading, Ordinance No. 8862, authorizing the issuance of \$40 million in industrial revenue bonds for the Kansas Athletics portion of the Rock Chalk Park project.**

David Corliss, City Manager, introduced the item.

Mayor Dever called for public comment.

After receiving no public comment, Amyx said on page 27 of the lease, it referenced leasehold mortgage, Intercreditor Agreement, Subtenant, Permitted Lender, and asked bond council to explain those terms.

Gary Anderson, Gilmore and Bell, said the Intercreditor Agreement and the Subleasehold mortgage were documents that the City would not be a party to and related to the borrowing that Bliss Sports would do in connection with the project in financing the project and would use proceeds of their loan to finance the bonds.

Amyx asked about the Sublease Leasehold Mortgage.

Anderson said the City was not a party to that mortgage and again, it related to the financing.

Amyx asked about the Subtenant pledge for the bonds for the permitted indebtedness and how that worked.

Anderson said this was a transaction which was generally referred to as "buy your own bonds deal" and Bliss Sport was in effect, purchasing the bonds, financing, and acquisition of the bonds by loan and equity. It was common in those types of circumstances for the bond holder to pledge their bond to the lender as additional security so that in the event there would ever be a potential default on the loan, the lender could exercise its right to acquire the bond

and direct the bond trustee as bond holder with respect to any remedies they might have had. He said there really weren't any remedies other than to basically terminate the transaction and clear title.

Amyx said the City wasn't a party to the leasehold mortgage and Intercreditor Agreement and those documents were not available to the public.

Anderson said correct.

Amyx said there was undeveloped property on this site that was part of the park and asked if the abatement applied to all of the property on the site.

Anderson said all of the Bliss Sports/Kansas Athletics property.

Amyx said if the undeveloped property was developed for any other purpose other than the Rock Chalk Park, would the abatement be terminated on that piece of property.

Anderson said separate and apart from the IRB's, the City and Endowment Association entity, which was RCP LLC, agreed to certain restrictions with respect to the Bliss/Kansas Athletic property and if there was any intended use beyond that property being used as a sports facility, the City would need to consent to such use which was separate and apart from the bonds.

Amyx said he remembered discussing that if there were any other uses for that property those uses would need a Special Use Permit. He said if another use was going to be on the undeveloped property, he asked if the abatement would still be on that property or considered a new use for the property.

Anderson said they would need to return to the City because under Kansas Tax Abatement law, only property that was financed 100% with the bonds was entitled to the abatement. He said it was expected that the amount spent on the Kansas Athletics facility would be 40 million or a little less. If Kansas Athletics decided to spend 10 million dollars on a particular use and didn't obtain approval from the City to issue additional bonds to finance that use, it would not be exempt under Kansas law.

Amyx said if it couldn't be part of this project

Anderson said correct.

Amyx said he would always have questions about this project.

Moved by Schumm, seconded by Riordan, to adopt on first reading, Ordinance No. 8862, authorizing the issuance of \$40 million in industrial revenue bonds for the Kansas Athletics portion of the Rock Chalk Park project. Aye: Dever, Farmer, Riordan and Schumm. Nay: Amyx. Motion carried

2. **Conducted public hearing on the amendment to the 2013 budget and consider the following items related to the amendment of the 2013 budget:**

- **Considered authorizing the City Manager to enter into an agreement with the Lawrence Community Shelter, for a \$725,000 loan; and**
- **Considered adopting on first reading, Ordinance No. 8922, amending the 2013 City of Lawrence Operating and Capital Improvement Budget.**

Casey Toomay, Budget Manager, presented the staff report.

Dever asked if Toomay had seen a copy of the potentially assignable mortgage from People's Bank.

Toomay said she had a copy.

Dever asked about the outstanding sum.

Toomay said the amount of the mortgage was \$1,143,199.

Dever said that was considerably more than the \$725,000 loan that the City was prepared to make.

Toomay said correct. That was one of the items staff needed to discuss with People's Bank if pursuing the assignment. She said the mortgage amount was the original loan and some of that loan was paid down and they had to work that out.

Mayor Dever called for public comment.

After receiving no public comment, Dever asked if the Shelter Board knew the current outstanding amount of the loan.

Joe Baker, Lawrence Community Shelter, said \$622,774.

Dever asked if Corliss had been assigned to mortgages as the City Manager.

Corliss said no. The City did secondary mortgages through the CDBG program and had some experience and personal experience with that process. He said it was fairly straight forward. He said staff had to check the documents to make sure it all worked as far as the right closing date. He said there were some advantages to that as far as some of the closing costs and registration that they might be able to avoid, but it might be cleaner from the City's standpoint to have that mortgage released and a new mortgage placed on that property. He said the City Commission's action was to conduct a hearing but they might not be able to make all of those decisions at this time.

Farmer said his concern was if the Shelter needed to purchase a van or a piece of playground equipment, he asked how the City holding the mortgage would affect their credit rating or income to debt ratio.

Corliss said he didn't know that it would impact their ability to purchase something. It might impact their ability to get credit. If they were going to borrow money on the building, what the City would ask for in the proposed draft was to get the City's written permission to further encumber the building, regardless if the City had a mortgage on that property or not. He said from their first discussion, staff would recommend that regardless if the City placed a mortgage on the property or not, if they were going to sell or transfer a lease of the building or mortgage the building, that they would need to let the City Commission know and have the Commission approve of what they were going to do.

Amyx said the roof on the Shelter's building was a 26 gauge, standing seam metal roof which had a 25 plus years of life expectancy. He asked if the \$102,000 to repair the roof was a bona fide bid.

John Tacha, President of the Lawrence Community Shelter Board, said they had 5 bids that ranged from \$105,000 to \$170,000. The \$105,000 which they picked was generous enough

to get it down to around \$98,000. The people that gave the Shelter that bid had done a lot of roofs and worked for a company that had been in business for 100 years or so and stood by their product if it went bad. He said this company did roofing for Topeka's shelter and they were happy with that company's work.

Amyx asked if the metal roof was punctured.

Tacha said according to some of the people, the roof was never put on correctly to begin with. He said he was not a roofer, but the roofing companies stated that the roof had a lot of leaks and needed repaired.

Farmer asked when the Shelter moved into that building was there an inspection process to discuss the roof.

Tacha said the Shelter had an agent and the agent indicated that there had been an inspection on the roof and being the president, he signed the agreement to buy the building as it was. He said when he signed the agreement he felt that they had a satisfactory inspection.

Dever asked if the plan was to reroof the building.

Tacha said no.

Joe Baker, Treasurer of The Shelter, said he understood that there was a secondary benefit and would add insulation to the roof which hopefully would cut down on the heating and cooling. He said the roofing company would overcoat the entire roof and would not be removing the roof. There would be a substance placed between the standing seams and then over the top of the roof, a coating that would keep it from leaking in the future. He said there was a warranty on the roof by the person who put the roof on that building, but since had gone bankrupt or out-of-business. He said that was a reason that they were concerned about who would warrant this roof and it would be the national company, not the installer.

Tacha said for public record, he had a lot of calls about how much overage the Shelter had when renovating the building. He said it was important to realize that when they used their original idea to renovate the building, the architect hoped the cost was around \$900,000. When

the bids came in, those bids were much more and it took the Shelter several months to get those costs down. The renovation costs were approximately \$120,000 more than what they hoped it would be and not some of the numbers quoted. He said that was important for the public to know. He said he had been involved with this project for 5 years and a lot of the expenses that had gone into this project did not just happen in the last 1 ½ years, but over several years. He said when they added all the legal, engineering, architectural, purchase of the building, renovations and furnishings was well over 4 million dollars. The Fun Run event came in around \$200,000 or \$300,000 less than what it would take for the roof. By the time all their pledges were paid and paid the City back, the overage was not anything close to the \$600,000 and was more like \$120,000.

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

No public comment was received.

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

Dever said the City Commission did not need to make a decision, but would like to give staff direction on how they felt about moving forward with this project and what shape that might be. He said he liked the idea of the assignment, but didn't know how complicated that would be.

Schumm said he was of the opinion that to take a mortgage on that property might tie up the Shelter, but he would agree to the assignment. The assignment was a good remedy, didn't cost any money, and protected the City's interest. Although, he thought that was a moot point because if for one reason or another, the Shelter management went out of business, the City would more than likely be the operation arm of the Shelter. He said a few people indicated that the City should have some financial instrument tied to this project. He said he talked Baker who indicated the Board didn't have any concern about submitting to a mortgage. He said if the City could get the assignment that would save money and this was all about trying to put the

buck in the best place they could for the Shelter.

Amyx said he hadn't changed his mind and thought there should be some kind of mortgage. He said by going through the assignment process, he asked if the City could still attach a mortgage to the facility or accept the assignment.

Dever said the assignment was the mortgagee and mortgager.

Schumm said the City would be getting double of what was being loaned and was a good mortgage. He said it was important to talk about if the Shelter needed more money, for example, expanding their building or wanting to do another service that required some capital, then they couldn't use the equity in the building in order to gain new capital. He said the City was taking a first on \$1,143,000 even though the Shelter had about almost \$600,000 equity in the note.

Baker said he was not sure that anyone on the board could answer that question. He said he was under the opinion that if the mortgage was assigned it would be reduced to the outstanding amount, but he didn't know that.

Dever said he thought that was correct.

Corliss said the only way People's Bank would assign the mortgage to the City was if that bank was financially relieved, which was entirely appropriate. He said the mortgage would be assigned to the City and the City would pay the \$622,774 on that date and Peoples Bank was satisfied and were out of the picture then the City would have a mortgage for that amount, but hadn't gone through the paperwork to pay the registration tax and those types of things. He said the city would have a note or separate agreement that indicated that and would have an understanding and agreement with the Shelter that they would pay that certain amount and the amount they would be getting pledges and would reduce their principle and interest amount owed to the city. He said the City might need to modify the instrument later on to reflect the interest rate and amount, but that could be done separately than the actual mortgage on the property. He said that was his understanding, but would find the right counsel to help.

Schumm said he understood if the mortgage was changed in any way, then a new mortgage needed to be filed. He asked if Corliss was thinking about taking the lesser amount and what was owed to the City was the mortgage.

Corliss said he was going to follow the City Commissions will as to what the Commission wanted which was what staff worked out regarding the interest rate and the amortization schedule with a balloon payment at that interest rate. Staff needed to see if they could reduce any of their other expenses accordingly. He said he thought the assignment could work well, but clearly the city wanted to be the creditor in this situation and People's Bank would be paid out. He said he didn't know all the details at this point. He said if the City Commission wanted a mortgage on the property, then staff would find the best way to make that security a real thing and the cheapest way to affect that.

Riordan said it was important that the City provide funds for relief for this group because they did such a tremendous benefit for the community. He said his initial thought was not to encumber the lease with the mortgage, but after reviewing this issue, he thought that some type of mortgage was important and they should direct City staff to look at the most cost effective way and if that was assignment and it reduced the Shelter's costs and putting that savings into directly helping people, he recommended that the City Commission did that. He said it was important that the City have a mortgage of some type and that would affect the Shelter to a certain extent, but he wanted to minimize that effect.

Dever said Farmer brought up a good point about borrowing capacity. He said having an asset that was worth several million dollars in a loan that was worth less than half that, any creditor would see a good balance. He said the building was worth far more than what was being discussed based on the improvements made and the fact that they might have gotten a good deal on the building at the time it was bought. He asked if the City Commission wanted to direct staff to go the direction of assignment of mortgage if they could get that number properly accounted.

Amyx said and reduced as far as no additional cost to be incurred.

Dever asked if the Commission was okay with changing the operating and capital improvement budget.

Corliss said the City Commission could approve on first reading tonight and second reading next week, that gave the City that expenditure authority, and then concurrent with that would be finalizing that instrument. He said the City would have a mortgage, but the question was whether or not it was assigned or if it was new if that was the will of the Commission.

Moved by Riordan, seconded by Farmer, to adopt on first reading, Ordinance No. 8922, amending the 2013 City of Lawrence Operating and Capital Improvement Budget. Motion carried unanimously.

Moved by Riordan, seconded by Farmer, to direct staff to prepare an agreement with a mortgage, with additional analysis regarding assignment of the mortgage. Motion carried unanimously.

Tacha said he wanted to thank the City Commission for having the confidence in an organization that would treat the City right. They had a great board and now they could concentrate on the type of fundraising that was more fun because it would be toward things that helped people. The building, renovation, and the move were all necessary and part of which the City Commission told the Shelter that they needed to do. He said now they could do things for the betterment of the people. He said he also wanted to compliment the Commission. He said some of the Commissioners 4 or 5 years ago, he expressed frustration many times because he didn't feel the community was really involved and obviously, the City Commission was very much involved. He said the mark of a community was how well you treat the least of those in the community and the Commission had shown how that worked. He said he commended the City Commission.

3. **Consider approving a request to rezone, Z-13-00288, approximately 2.119 acres from RS7 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling**

Residential) District, located at 2518 Ridge Court. The portion of the property proposed to be rezoned is located on the east half fronting on Cedarwood Avenue. Submitted by Tenants To Homeowners, Inc., for Douglas County, property owner of record. Consider adopting on first reading, Ordinance No. 8918, to rezone (Z-13-00288) approximately 2.119 acres from RS7 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District, located at 2518 Ridge Court. (PC Item 6; approved 10-0 on 9/23/13). A valid protest petition has been received; therefore a super-majority vote (at least 4 out of 5 votes) is required for approval of the rezoning request.

Scott McCullough said it was beneficial to the record to have each Commissioners declare any ex parte communications that they might have had on this quasi-judicial zoning matter. He said a protest petition required a 4 out of 5 vote, a supermajority vote to approve the request.

Dever asked if the City Commission wanted to comment on any ex parte conversations.

Farmer said he had none, just the emails the City Commission received and had a conversation with Erika Dvorske, President/CEO of United Way Douglas County Inc., who sent a letter and was received by the City Commission and posted on the City's website.

Amyx said all the City Commissioners were copied on the same emails that he received.

Dever said he had none to report.

Schumm said he received emails and Hugh Carter asked if he was going to support the project.

Riordan said he had no ex parte to note.

Mary Miller, Planner, presented the staff report.

Schumm asked if only half of that square was being developed.

Miller said correct, the other half was the United Way building.

Miller resumed her presentation.

Matt Gough, Tenants to Homeowners, said in February 2012, the Douglas County Commission voted unanimously to gift this real estate to Tenants to Homeowners. The gift was conditioned upon Tenants to Homeowners use of the property for affordable housing and would contain a deed restriction that would be active for 15 years. He said they were present to

explore the feasibility of this site for Senior Housing. Tenant's to Homeowners as an organization, had placed approximately 400 people in their first homes and created 62 homes that were in the Lawrence Community Housing Trust and were the only one like it in the State and actively managed 54 rental properties. As an organization they typically focused on an opportunity to enable someone to become a homeowner which the name Tenant to Homeowners implied. He said in this case they were making an exception and their target market were seniors that were at the 80% income level or less. He said they were considered working poor, retired teachers, and overwhelmingly the senior citizens that they heard from had expressed a desire to rent a property as opposed to own property and they envisioned that many of those would be selling homes that they owned for a long period of and looking for a lower maintenance option. He said this was 7 buildings, 14 unit structure and they were really excited about the opportunity. He said the City Commission would likely hear tonight from some neighbors concerned about drainage and sewer issues, but those were issues that would be addressed as part of the process.

Riordan asked who would own the property.

Gough said Tenants to Homeowners would manage and operate the property as rental units and their offices were at the United Way building which was literally next door. He said all of the properties they had and the way they were setup was to perpetuate the affordable purpose and that was how the land trust was setup and part of their on-going goal which was to provide housing in a permanently affordable environment.

Riordan said Tenants to Homeowners would manage the property, but not own it.

Gough said Tenants to Homeowners would own and manage the property.

Mayor Dever called for public comment.

Stacy Hunter Schwartz, Lawrence/Douglas County Advocacy Council on Aging, read a letter from Judy Bellome, Chair of the Council on Aging, which read: "This letter of support comes from the Lawrence/Douglas County Advocacy Council on Aging. The Council had been

in existence over twenty years and is appointed by both City and County Commissioners. Members may serve for two, three year terms. General purpose of the Council is to serve as a voice of advocacy for older citizens by stimulating community awareness and interest in the development of comprehensive and coordinated service systems, to aid seniors in attaining and maintaining self-sufficiency, personal well-being, dignity, and maximum participation in community life. Supported Cedarwood Cottages was an excellent example of the reason for our existence. The proposed active senior living, Cedarwood Cottages, would bring much needed affordable housing options to our community. In 2013 the Retirement Attraction and Retention Task Force identified affordable housing as one of the issues needing to be addressed. An AARP recent study showed that 50% of retired persons, including those with moderate pensions are unable to afford the average cost of housing in their own communities. The plan for the development of 14 cottages to be built for moderate income seniors will be an asset to the neighborhood with the quality construction, walking paths, gardens, and meeting space. The project received a unanimous vote for land conveyance from County Commissioners and the Planning Commission gave another unanimous vote for a zoning variance. Please vote in support of this important project.”

KT Walsh said East Lawrence had worked with Tenants to Homeowners and the Community Land Trust for years and their neighborhood had a deep confidence in that organization. Tenants to Homeowners were responsible for helping provide 28 homes in East Lawrence and there would be more to come. She said Tenants to Homeowners maintain their homes, build greenhouses, were very environmentally friendly and provided homes that had very low utility cost. She asked that the people in that neighborhood take a look at 11th and Rhode Island where the County did a long-term lease on some land they owned and did infill housing at that location. It was all accessible, green and a lot of young families moved in. It was a small example of some of the work Tenant to Homeowners was doing in the community.

Jean Stoneking, resident living on Ridgecourt, said she had been owner/occupant for 25 years and she welcomed the project to her neighborhood.

Linda Troxel, resident living on Ridgecourt, said she was on the Board of Tenants to Homeowners, was a senior, and volunteered in Lawrence in many capacities. She said this was a very important project and as she came from an architectural background, she was excited and hoped the City Commission would vote in favor of this project.

Jean Affalter, resident living on Cedarwood, said the proposed zoning area was right behind her house. She said she had a DVD that showed water coming around her house from the field and it looked like a river coming between their houses, going through her backyard, over to her neighbor's house. Also, last summer, she noticed her neighbor across the street had a sewer backup into her garage. She said she told the City utility supervisor that both the water line and sewer line were located between her neighbors houses and the grass stayed green all the time, even in the winter and knew there was a problem somewhere along the line. She said her neighbor had spent a lot of money on a plumber trying to solve the problems on her property let alone other neighbors having problems with the sanitary sewers too. She said a neighbor on 26th Street told her 20 years ago that when the sewer backed up into her house, she could not clean it and had to call the City. The City then did a survey and found that their area was not dug deep enough for the sanitation and storm sewers.

Gayle Sigurdson said she wrote to the City Commission earlier this week regarding their official concerns which had been addressed by others. Obviously, the need for affordable senior housing had been identified by the task force and was an issue more for retention of the people aging currently in Douglas County and not for attracting new people. The drainage concerns were going to be addressed by this development. In-fill development was an established method for maintaining communities and all those things had been addressed by others. She said she would like to speak to the personal concerns of the neighbors which she understood. She moved into her home over 20 years ago, an established neighborhood across from a

cornfield which was wonderful. After about 8 years they quit farming the cornfield and it became just an empty field where her children learned how to mountain bike, played football, and she understood the attraction of that empty space. She said her neighbors, as it became developed turned out to be multi-story, hundreds of college students that now lived across the street and would not have been her choice for neighbors, but it hadn't been what they expected. She said they had better bus service as a result and sidewalks. She said neighborhoods evolved and you didn't always get to pick your neighbors, but if she could, she would pick seniors in a well maintained building. She said tonight's decision should be based on the community's need and the best use of community infrastructure and she thought the Tenants to Homeowners project was that decision.

Bonnie Effman said she was in touch with a lot of seniors in the community and wanted to speak to the great need for affordable housing for seniors in the community and she saw this as a project exceptional possibility of way of beginning to address that need. She asked the City Commission to support the project.

Stan Hernly, 30 year resident of the City of Lawrence, was a founding member of Tenants to Homeowners many years ago, and was on the Historic Resource Commission, but was present as a private citizen. She said they were the architectural firm that was working on the project. The proposed use was very compatible with the single-family residential and with RM12 zoning directly across the street. The requested rezoning was for RM12, but the actual development was somewhere around 7 units per acre instead of 12 units per acre that would be allowed under an RM12 which wasn't nearly the density as what the zoning sounded like. Another thing he liked about the project was that it was a really good example of infill. There was a lot of new housing that was on the edge of town and required a lot of infrastructure to extend out to that. This was a development that was using existing infrastructure and didn't require a lot of capital outlay from the city or from the developer to get the project to happen.

He said you really couldn't ask for a better neighbor than active seniors, but didn't think they would be loud active neighbors.

Schumm asked what could Hernly tell him about drainage and Affalter's concerns.

Hernly said Dean Grob was going to be the engineer for the project and would be doing all of the site development and detailed planning. Grob would be designing storm systems that would collect the storm water. The fact there was water running off the site now they would be catching that and getting it into the storm sewer system. He said he was not the engineer, but in his mind it was going to be a better condition afterwards than it was currently.

Schumm said Affalter's comments were about storm sewer or sanitary sewer.

Hernly said the storm sewer system would be improved for sure and the sanitary sewer was on schedule for some of the testing that would be happening around town.

Dever said the biggest and most consistent concern was related to storm water and thought that was a reasonable problem in that area in general. He said he read some of the myth/reality responses and he understood that properly engineering the site to manage the storm water run-off was a valid issue. He said it seemed like it wasn't really serving the purpose of infiltration as it occurred right now meaning there was a lot of run-off from the site onto adjacent properties. He asked if that was a function of some sort of layer of impermeable soil on top and was it because it was sloped higher than the rest of the property. He said it really didn't seem to be serving the infiltration purpose which he would like to see with open space like this for a neighborhood where there were storm water concerns. He said he hadn't studied the soil or the subsurface, but asked why the neighbors complain of run-off from this property.

Hernly said he understood that it was surface water running off of this site onto the adjacent properties and that would be an issue of the contour of the land and where the water wanted to go.

Dever said an open space like this would be able to receive a lot of infiltration if it was not disturbed.

Hernly said if it was coming down fast, it wasn't going to soak into the ground that fast and run-off even though it was grass.

Dever asked if the concerns Hernly heard were all storm water events or just the heavy rains.

Hernly said it was the heavy events because it wasn't able to soak into the ground and was running off as surface water.

Amyx said on the southern edge of that property there was a dry creek bed and at the bottom of the hill on Cedarwood there was a deep ravine that took the water off of that site and water ran into the Naismith Valley. He said there was some reason that that no longer drained properly. He said a drainage plan had to be considered as part of Commission approval of this rezoning.

Hernly said the storm water study and the run-off that would be required to detain would be the amount of impervious surfaces that they were creating would allow to run-off. Their requirement would be to not allow anymore to run-off than what ran off now. In the way the property was being developed, they would be able to capture water that was draining from the grass areas would also go through that system. He said he thought there would be ways to actually improve the situation for the neighbors versus making it worse which was the intent.

Riordan asked if those units would be built on slabs

Hernly said yes.

Riordan asked if anyone had given consideration, because this was a very difficult population, about what they would do during a tornado event.

Hernly said they had not talked about that concern.

Riordan said he didn't want to add any huge costs to this project, but at the same time would like to create a situation where the community's most vulnerable population could walk 50 feet to safety.

Rebecca Buford, Executive Director of Tenants to Homeowners, said their standard practice was to create safe rooms in all slab homes. She said now whether they did a safe area that was in the common house or something like that, but ideally if it penciled out, they would put a safe room in the bathroom in every unit.

Schumm said the problem with the sanitary sewer was during storm time when the infiltrations were getting into the sanitary sewer and backing up.

Hernly said that was what it sounded like. He said he understood that the program the City was taking on would address that concern.

Schumm asked if Hernly thought it was a capacity problem.

Hernly said he hadn't heard that it was a capacity problem.

Dave Affalter said they had a lot of people sign their protest over the last months, had people who came to the County Commission meetings, neighbors came to the last City/County Planning Commission meeting, and they were obviously out numbered. He said they didn't have the polish, attorneys, people who were board members, witnesses, and senior folks. He said they heard about things being distributed around that they were against seniors, but they and others that signed the petition were seniors. He said the open area had been like a park area for many years and was nice to have the open green space. He said there was a comment that the run-off was bad when it was raining heavily, but in 1999 he filmed a moderate rain and the run-off was tremendous.

Don Hawley, resident living on Cedarwood, said he was shocked to see what Tenants to Homeowners was proposing. He said Tenants to Homeowners stated that they were against seniors, but that wasn't the case. He said what the neighborhood wanted was not to make a bad situation worse. He presented the City Commission with pictures of the area and explained their dilemma. He said the only people that had shown any interest of doing this appropriately was the engineering firm. He said they weren't against seniors, but simply didn't want to make a bad situation worse.

Dever said the changing of the zoning was the biggest issue.

Riordan said one of his concerns when he was on the Planning Commission was that zoning was changed and now had a property that would go from an RS7 to R12 which was a significant increase. He said his concern was that it wasn't unusual for a project to get zoning changed and not occur for whatever reason and the zoning stayed the same and something significantly bigger was built and had zoning for R12 which was be much greater. He asked what protections they had for the people in that area.

McCullough said they were employing conditional zoning to this case, a tool staff had at their disposal and the condition in the ordinance that if rezoned read "uses permitted within this district shall be limited to single-story duplex residences, accessory uses thereto and one single story community building." He said this was essentially taking the concept plan conditioning it without conditioning it right to the concept but essentially that notion. If they did something different than that they had to go through the rezoning process again.

Schumm said he was concerned because the negatives heard centered around storm water and sanitary sewage. He asked McCullough to explain the requirement prior to development for the applicant.

McCullough said the next step in development was going to be site planning and platting the property and that was the first round of the technical studies which would be submitted to staff by the civil engineer that presented to staff the storm water plan, how they're going to re-contour the site, what the cut and fill would look like, where the swales retention/detention area was located. He said they would of course work to make any known issues better for not only this project, but any neighbors which was often the case when they get an opportunity to develop to take a known issue and try to make it better. The code required that the project essentially had to account for any new impervious materials lay on the ground and couldn't send out any more water than was coming in today plus that new impervious area so it wouldn't exacerbate any current condition. It was also important to note that the problems they were

seeing for storm water was just off this one hill and was coming from a regional area. The sewer would be analyzed through a downstream sanitary sewer analysis again if there were capacity issues then the applicant was responsible for upsizing, but not necessarily responsible for any existing conditions like infiltration, rooting of the lines, those types of things. He said in talking with the City's Utility Department, staff understood that they were not out of the norm in this area for known issues. He said if there were issues staff would like to hear from the neighbors so that those issues could be part of staff's review of the area with this project, but he wasn't aware that there would be any capacity issues and it would be linking into the public main system and carrying the sewage away.

Schumm said with regard to the storm water run-off for this development, the rule was they couldn't add any more net run-off water than what was occurring right now. He asked if the City had in its capacity the right to require more than what would run-off normally. He asked if they could increase the requirement on the site.

McCullough said typically when staff knew there were ways to re-contour to take care of acute issues, circumstances that were very directly affecting a property, staff would work to do that and it became a site plan issue. He said he already advised some of the neighbors that that were a process that they could participate in. He said the neighbors would get notice of that site plan and he encouraged the neighbors to meet with staff and layout the site plan. He said Matt Bond, Stormwater Engineer, could explain the stormwater system improvements and if it was to their satisfaction that was great and hoped to change it as a positive for everyone. If not there was a process that they could keep going with their participation.

Schumm asked if it was possible on this particular case that they request to approve the site plan.

McCullough said the Commission had employed that mechanism before.

Schumm said that would be a benefit to the neighbors to know that staff would go to the max to try to protect their interest and it had to be passed by this governing body as opposed to an administrative certification.

McCullough said they could condition the zoning tonight and the Commission had employed that tool in the past. The administrative process had an appeal built into it that if someone wasn't satisfied, the Commission would see that in any event and they could appeal that and the Commission could see the site plan at that point as well.

Schumm said in this case it was a controversial site and had some issues. He said he was sure that DVD would show a lot of water on that site and there were all kinds of other issues surrounding the area. He said for the interest of everyone concerned, he would like to see the Commission approve the site plan so they could see that the maximum had been done in order to help alleviate the problems.

Amyx said when taking into consideration the rezoning request from RS7 to RM12, this project would develop to a density of 50% of what would be allowed and the work of Tenants to Homeowners was much appreciated. He said he did have a concern about the land and the drainage. He said the City Commission needed to be involved in approving the drainage plan. He said he would like to have some information about the improvement that was made at the corner on the south end of that property. He said he did not have a problem approving the rezoning with the conditions of the site plan coming back to the City Commission.

Riordan there was mention of green space and when looking at the plan it was really mimicking in many ways single-family. He asked if the amount of green space be similar if it were done in a single-family design.

McCullough said that would take a comparison of the City's code standards in those two aspects. He said some would be dependent upon individual lot coverage versus how they viewed lot open space on a more community, multi-unit structure. In any event the code did require a certain amount of open space and that standard would be applied.

Riordan said if they put individual lots in that area and built a very big house it could make more impervious surface than if they just had this particular plan.

McCullough said possibly, so much depended on the design of the street layouts, drives and parking areas, and fire lanes. He said what was important as they went through this was to employ the right open space standard and make sure this project had it.

Dever said the city had a similar density transition although it wasn't vacant and there was a lot of vacant land where there was a nursing home on 27th Street which was a block and a half south of this area. They went from single, wagon wheel style nursing home with basically green space all around it to 16 or 18 single-family dwelling units on a parcel of land that originally had a lot of green space. He said the development happened in the last 10 years string in 2004 when they tore it down until today. He asked if there had been complaints about run-off because it was basically the same tributary and almost the exact distance from the Naismith Valley Park drainage area.

McCullough said he would need to ask Bond that question because typically he would be more knowledgeable.

Dever said it seemed like almost an identical situation in that they were paving more surfaces, putting more coverings on and taking away green space in an already developed neighborhood in almost exactly the same location. It wouldn't be anecdotal but actual in the case to say the improvement placed in the ground and collection systems probably assisted in the run-off. He asked if anyone had heard complaints in that neighborhood.

Amyx said 27th Street probably received the water from the receiving stream at Naismith and also behind the houses on 26th Street. As far as if he heard any complaints in that neighborhood, he said no.

Farmer said when he was young, he lived on Winterbrook Drive and at the south end where Winterbrook dead ended, was a huge field where he played ball. He said he was upset when they began to develop that area into duplexes and single-family homes. He said there

had been some folks that complained about their foundations slipping and asked if there was a way to make sure that wouldn't happen with the approval of a site plan to make sure those foundations wouldn't move over the course of 10 years. He said if this drainage issue was as bad as everyone said it was, that was the same type of issue they dealt with in the neighborhood he once lived.

McCullough said again, the intent was to make the drainage better or at least not harm the current issues. There was no mechanism and if they were having foundation issues it was because they were having issues today because of clay soils, run-off or any number of various reasons that they might be having issues. He said there was no City mechanism that correlated directly one project's impact to another unless there was an obvious impact. In this sense there wouldn't be a requirement or any way to track whether or not the impact of this project was affecting the neighborhood foundations if they were already experiencing damage and trouble.

Farmer said this was a completely different spot, but he wanted to make sure due diligence was practiced to make sure those foundations wouldn't slip.

McCullough said he understood there were many in the neighborhood that already had foundation damage and were repairing those foundations today.

Farmer said those kinds of developments as far as multi-family housing was prevalent and progressive communities. He said he was looking at the features of this development that he was excited about such as solar on those units, fruit trees, garden plots, water features, rain garden, shade garden and some open space. He said he understood the draw to having a field in your backyard, but this was going to be a neat thing for this community. He said it was not just houses it was a lot of other stuff too, like a commons atmosphere. He said he hoped they could work with the neighbors to ensure that their concerns were mitigated. He said if there was going to be a development on this piece of property because this was the best development they could have, especially because it fit in with their plan for retiree attraction and retention.

Dever asked if the Commission wanted to make a motion or place in caveats on any motion they might make.

Schumm said he hoped the Commission would agree to bring the site plan back to the City Commission to make sure the run-off and drainage was addressed. He said there were two conditions on that rezoning, and suggested adding a third condition.

McCullough said staff would work on some language that met that direction.

Moved by Schumm, seconded by Farmer, to approve the request to rezone (Z-13-00288) approximately 2.119 acres from RS7 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District, located at 2518 Ridge Court and adopt on first reading, Ordinance No. 8918, with an additional condition that the site plan requires approval of the City Commission. Motion carried unanimously.

4. **THIS ITEM WAS DEFERRED AT THE APPLICANT'S REQUEST. Consider approving a request to rezone, Z-13-00287, approximately .27 acre from RM12D-UC (Multi-Dwelling Residential with Urban Conservation Overlay) District to CS-UC (Commercial Strip with Urban Conservation Overlay) District, located at 804 Pennsylvania St. Submitted by Bartlett & West, Inc., for Ohio Mortgage Investors LLC, property owner of record. Consider adopting on first reading, Ordinance No. 8920, to rezone (Z-13-00287) approximately .27 acre from RM12D-UC (Multi-Dwelling Residential with Urban Conservation Overlay) District to CS-UC (Commercial Strip with Urban Conservation Overlay) District, located at 804 Pennsylvania St. (PC Item 7; approved 9-1 on 9/23/13)**

Prior to the meeting, this item was deferred at the applicant's request.

5. **Consider the following items related to the former Farmland property:**
- a) **Consider possible naming of the property to Lawrence VenturePark.**
 - b) **Consider approving Change Orders 1 through 13 for PW1224 - Farmland Infrastructure project in amount of \$977,208.47 and consider directing staff to begin negotiating with contractor to complete design-build work for O'Connell Road extension to 19th Street.**

David Corliss, City Manager, presented the staff report regarding the renaming of the Farmland property.

Amyx said he thought VenturePark was a great name. He said there might be times when he refers to VenturePark as Farmland because it had been a part of his life for a long time.

Corliss said he had indicated that every time he used the name inaccurately, he would donate another dollar to the United Way and would serve as a good incentive to him, but if he said the former Farmland property, he thought he would be okay and it didn't count.

Schumm said he liked the name and it spoke to a certain level of energy, excitement and anticipation. He said when driving by and seeing the total transformation of the property, it seemed to fit really well and that would help the City in its marketing. He said it would connect people with the energy level in Lawrence in terms of development.

Riordan said it was an excellent name. He particularly liked the associated graphics because it looked somewhat patriotic even though the colors weren't red and blue, but green and blue. He said that would remind everyone that at one time it was green. He said he moved to direct staff to refer to this piece of property as VenturePark.

Farmer said he second Riordan's motion.

Mayor Dever called for public comment.

Greg Thomas, Professor of Design and Director of the Center of Design Research, said before coming to Lawrence he had his own design firm in Los Angeles for over 30 years which they specialized in destination branding which included countries like Australia, New Zealand, and Austria. He said they also did a lot of City branding. He said when he first talked to Corliss and city staff about the naming of this business park he was willing to participate on a pro bono basis because he currently lived in Lawrence and believed in the City. He said he worked with staff in terms of the key things in naming and went through numerous applications, but there came a name that surfaced in terms of what the park would eventually be. It was a very positive outlook and thought everyone would be pleased.

Dever said he appreciated Thomas pro bono work, and he appreciated the professional look and feel. He said it was a very difficult process and it was hard to please everyone.

Corliss said they also learned a lot about other industrial parks as they explored names. He said it's been a good process not just the naming and the branding, but learning a lot about what other communities did in this area.

Moved by Riordan, seconded by Farmer, to approve renaming of the property to Lawrence VenturePark. Motion carried unanimously.

Corliss said regarding the Farmland Infrastructure project, the work to date and some of the proposed change orders on the infrastructure out at VenturePark, the work had gone very well and staff knew there were going to be surprises regarding this work. Staff also had a strong confidence level that they would be able to manage those surprises reasonably within costs.

David Cronin, City Engineer, presented the staff report on the infrastructure and change orders.

Schumm said the area looked good.

Riordan said he concurred with Schumm. He said when changing that street, he asked if that would effect moving the substation.

Cronin said there was one transmission pole that would prohibit staff from completing the connection to 19th Street with the extension which would be in 2015. He said they also had plans to improve 19th Street going to the west in 2016 and they wouldn't open that connection with the extension and wanted to get it constructed and likely close it off until those improvements were made, the substation was relocation, the poles out of the way, and then open that up.

Dever said they were going to build the road with the poles in the way.

Cronin said they would build the majority of the road. One pole was at the connection of 19th and O'Connell. He said that one pole would need to remain until 2015.

Dever said all costs associated with environmental issues and contamination on the property needed to be addressed and/or underwritten using the proceeds from the city's trust fund and he would volunteer or whatever it took related to landfills or environmental contamination or any kind of KDHE overseeing the activity, the City should be able to use the trust fund as long as they could show a judicious use of the funds to carry out the actual remedial action plan and the cleanup as required by the plan. He said he wanted everyone to know that that was what that money should be used for. He said there was some surprises, but staff knew some of that stuff was there, but didn't know where it was at. Some of the things were unknown like the asbestos on the building. He said whatever it took they needed to lobby them to use the funds for those purposes.

Corliss said he was going to mention that point and wanted to coordinate that effort at an appropriate meeting. He said they wanted to get their hands around all the dollar amounts, have one presentation as opposed to dribbling in a number of different increments. He said there was a process and might need to amend the RAP (Remedial Action Plan) and the CAD (Corrective Action Decisions). He said staff would work to encourage them to see a need for that. He said they still needed to the work which what they were doing tonight, but with the understanding that staff would be talking to KDHE about using the remediation. He said staff would be in good shape to do that because they would have that much more time where they had executed a number of other remediation items and use that money. Whether they used that money now or sat there, eventually they would have that money when all the remediation work was completed. The City was responsible for doing all the remediation work, regardless of what the balance was in that trust fund. He said the O'Connell extension would help open up the additional property further to the north of the east/west road. When staff did the improvements on 19th Street, it would be important to have that O'Connell Road improved. He said rebuilding that road would be an inconvenience for those property owners or residents along 19th Street. He said staff was following through on the City Commission's direction this

summer, having discussions with the County about the County's participation in 2016 to help rebuild 19th Street. The County was a property owner with the Fairgrounds with a healthy chunk on the south side of 19th Street. He said this would not impact the validity of the existing benefit district except that when bond counsel was reviewing the special assessment benefit district resolution, it did not include two or three of the small tracts and greenway tracts of the properties. He said they needed to go through the process of creating the benefit district again. It didn't impact the work and it didn't mean what had been done so far they couldn't still special assess the property, but they wanted to special assess all of the city owned property and they missed two or three tracks in the legal description. He said what the City Commission would see on a future consent agenda was setting a new public hearing date and have the public hearing. The City was the only property owner along with Westar and AT&T and was not impacting them, but clarifying the procedure which was recommended by bond counsel.

Dever said it would be helpful if Matt Bond, Stormwater Engineer, made a short presentation as to the status of the remediation. He said they were talking about the improvements, but the liability associated was the remediation they were actively spending dollars on that as well. There were probably several Commissioners that didn't know a lot about it since they did it before. He said it would be nice for the community to know where the contamination levels were located and how staff was working with KDHE. He said the presentation didn't need to be extensive just how things were going.

Corliss said that was a good suggestion.

Riordan said if there was a way to design the road so it wasn't a big cut-through to 19th Street eventually and increase that traffic, he would appreciate that.

Corliss said that was a good point, when they had neighborhood discussions regarding the master plan and the platting of that property it was one of the items to work on, to make sure it wouldn't increase cut-through traffic on to 19th Street. He said staff thought they could design 19th Street in a way to discourage that. He said one of the ways was to not open it up until 19th

Street was improved. He said in the design of 19th Street staff could do it in a way to discourage cut-through type traffic. Obviously, they did want to encourage the neighborhood to use that street as a great way to get to the jobs they hoped to have on that property.

Amyx said it was great to see all of the improvements and they were very fortunate to have an employment center that would be adjacent to the City. He said the former business at VenturePark provided a great number of pay checks for a whole lot of people during that time. He said times were a whole lot different because professional planning had changed things that wouldn't have happened on this site.

Dever said that site wasn't in the City Limits during that time.

Corliss said that area had only been in the city limits within the past 5 or 6 years.

Mayor Dever called for public comment.

After receiving no public comment, **it was moved by Farmer, seconded by Riordan**, to approve Change Orders 1-13 and direct staff to begin negotiations with the contractor to complete design-build work. Motion carried unanimously.

6. **Receive project update for Project Number PW1208, 23rd & Iowa Reconstruction and Geometric Improvements, and 23rd Street Waterline Replacement. Set a bid date of October 29, 2013 for Bid No. B1355, for project UT1309DS 23rd Street Waterline Replacement, Phase III.**

David Cronin, P.E., City Engineer, presented the staff report.

Philip Ciesielski, Assistant Utilities Director, presented the waterline project.

Dever asked if the timeframe was from December until March to work on that section.

Ciesielski said yes.

Dever asked if that right turn lane be closed during that period.

Ciesielski said it would be closed pretty much of the duration of that period of work.

Dever asked how they would accomplish that new pipe.

Ciesielski said the new pipe was going to be bored in place and depending on which way the contractor set up, they would have pits at each end, one at Iowa and on down Ousdahl

and they would drill a hole and put that pipe in a continuous fashion and test it and at that point they would have some temporary shut downs for each of those businesses as they shifted their water service over from the old one to the new one. It won't be a wholesale open trench however because of the access they needed on either end, it was most efficient to just close that lane as opposed to closing it around those two pits and allowing people to bump back out. He said they would close that off, however they would have the entrances to Hastings and Freddy's and those businesses over there open.

Schumm asked if it was a metal pipe.

Ciesielski said it was a late 70's, thinner wall PVC Pipe. There were different dimensional characteristics to PVC pipe. He said at the time this was put in, it was a thinner wall than what they specified today. He said it hadn't necessarily been problematic from a break standpoint.

Schumm asked about the new pipe.

Ciesielski said the new pipe would be a current standard of PVC and would be a fused product where they would actually fuse the joints together and that allowed them to pull that entire 1200 feet in, all in one swoop. He said they would drill the entire hole and fuse up the pipe and pull that in one pull. The current project on 19th Street, they used this product and did Wimbledon Drive a couple of years ago where they used the same technology and product and pulled it in place of an existing cast iron main along Wimbledon Drive and also used it for the 16 inch watermain on O'Connell Road from 31st Street, south to the new wastewater plant site.

Schumm asked about the diameter of this pipe.

Ciesielski said it would be 8 inches. He said this was the first phase of what would ultimately be three phases that took them back to Louisiana along 23rd Street. The next phase was currently wrapping up design and would be looking at bidding that this winter and that went from Alabama to Louisiana where they did have a metallic pipe in that location and had been prone to failure over the last several years.

Amyx asked if this was similar to the 9th Street line that went up by KU.

Ciesielski said he believed that was a sewer line on 9th Street down from in front of Joe's Bakery. He said they had a cutting head and actually drill and pump the materials out with hydraulic fluid and evacuate at the end where they insert the drill head and drill rods.

Corliss said one of the reasons why they wanted to do the 23rd and Ousdahl stormwater design work was to make sure that it was appropriately coordinated with all the waterline work that was going to be done eventually and additional design work in that area as well.

Ciesielski said this project stopped just west of where those stormwater improvement would pick up in the Ousdahl intersection and as those designs were being done, their design on eastward would be designed in coordination with that.

Amyx said if going west on 23rd Street there would be a right hand turn.

Ciesielski said if going west on 23rd Street, there would be a period immediately west of Ousdahl where there would be one lane because they didn't have the right hand turn lane yet, but once that right hand turn lane appeared, that was what would be blocked off for construction and there would be two lanes through to the west, still have the left turn lane south, and would modify that which was now the island to allow traffic to make that right hand turn and it wouldn't be a free opened right turn like it was now and would need to wait in line for the traffic going west to clear through ahead, but would be able to make that right hand turn north on Iowa from that lane.

Mayor Dever called for public comment.

After receiving no public comment, **it was moved by Schumm, seconded by Farmer,** to set a bid date of October 29, 2013 for the waterline replacement project. Motion carried unanimously.

7. Received City Auditor's Performance Audit: Financial Indicators.

Michael Eglinski, City Auditor, presented the staff report.

Amyx said regarding Figure 26, Revenue per resident for governmental funds, versus Figure 27, Expenditure per resident for governmental funds, he asked if the revenue was \$800 a person and the expenditure was \$900 a person.

Eglinski said yes because the gap between that was made up with things like bond proceeds. He said it might also include the transfers to make up that gap.

Amyx asked if that was something to be concerned about when looking at those charts and was there something else figured in there that wouldn't show that the revenue the city was collecting was \$800 a person and the city was spending \$900. He said that didn't add up at the end of the day.

Eglinski said they were using issuance of general obligation bonds as well as transfers to close that gap. He said transfers, in particular, was a large amount. On the revenue side it was really taxes, special assessments, fees and services charges, any grants, and interest on investments.

Amyx said the total revenue package.

Eglinski said yes.

Riordan said Figure 21, Liquidity for business activities, shows that the city had a trend down for liquidity. He said that was getting toward the median and asked when that became concerning.

Eglinski said it wasn't concerning yet. He said that trend was also related to the long-term liability trend and when having more bonded debt you tend to have more cash on hand. The ratios were pretty good. He said for the water and solid waste side it was quite high 8 or 9 years ago and had gone down, but it really wasn't low. He said it wasn't a scary trend because if it was, he would have brought it up.

Corliss said he appreciated Eglinski's work because it was a very valuable tool and became more valuable over time as they saw trends. He said one of Eglinski's comments which was on point, was that the city had some aging infrastructure and equipment and staff

was trying to establish priorities which could be expensive and they wanted to be wise in that regard. It was a point of pride that the Utilities Department hadn't bought a new sedan in 5 to 7 years. He said they recycled old ones from patrol cars and those kinds of things and probably could only do that for so long. Eglinski's recommendation regarding the post-employment employee benefits, primarily the retiree health care, was an area of concern. State law did require cities to offer health care to retired employees, but it didn't say what the dollar amount had to be for the premium which had some relevance to what the City's liability would be in that area. He said staff needed to look at and continue monitoring with appropriate actuarial studies, but also look at recommendations.

Eglinski said he didn't look this year, but last year he looked at the City's obligation compared to some other communities and while those were big numbers, it wasn't a huge and scary big numbers that some communities were facing.

Mayor Dever called for public comment. None was received.

After receiving no public comment, **it was moved by Amyx, seconded by Riordan** to receive the City Auditor's report. Motion carried unanimously.

E. PUBLIC COMMENT: None.

F. FUTURE AGENDA ITEMS:

David Corliss, City Manager, asked that the Commission establish a study session date regarding rental registration, the progress on the ordinance, expectations regarding the minimum housing code, and what they wanted enforced generally and in the rental registration for the community. He suggested setting a date, under Calendar Items, about when to schedule that study session discussion.

G: COMMISSION ITEMS:

Schumm said he had been in contact with Commissioner Thellman from the County and there was an issue at hand where there could be a substantial development take place on the former Pine Family Farm area that was in the Northeast Sector Plan. He asked if it would be

appropriate and insightful to get together with the County Commission to see what the interest was in terms of this property. The property wasn't in the City right now, but if the development came into play, it would need city services. He said they needed to find out what their collective thinking was regarding this property.

Riordan said he would have great interest and it was necessary and important.

Dever asked if Schumm wanted to schedule a meeting with the County Commissioners and if so, what did Schumm want to discuss.

Schumm said the potential development on the tract of land that the Delaware Indian Nation just purchased.

Dever asked what they were going to talk about.

Schumm said the development in that area was going to be difficult because there was a lot of flooding, sewer problems, and substantial difficulty putting in a septic tank at the airport. He said he didn't have any idea what the Delaware Tribe's plans were for that area. He said he believed it was time to sit down and find out collectively where everyone stood. He said the City did pass the Northeast Sector Plan, the plan stated that the area wouldn't be developed. He said the property might be put into trust and then it was his understanding that the Delaware Tribe wouldn't need to comply with the City's regulations.

Amyx said he appreciated Schumm's idea of scheduling a visit with the Delaware Tribe to find out, if any, the types of requests for that area.

Dever said the question about what the Commission would talk about was not to be facetious, but because he hadn't heard any plans from last report that anything they been told to this point was not accurate because there were different parties involved.

Farmer said there was a lot of folks in the community that were very concerned and it would behoove the City Commission to have a face to face meeting with the tribe to find out what they were desiring to do with that area. He said his concern was that this was a tenuous issue not only because of the land, the Northeast Section Plan and the type 1 and type 2 soils,

but because something would inevitably happen. He said they needed to start building bridges and not isolate anyone. He said the last thing he wanted was to tell a Native American tribe that they weren't welcome in this community. He said meeting with the tribe initially, finding out what they wanted to do and figuring out the best way to move forward was a great idea.

Dever said he would like to hear where people stood, but would like to know where they stood with the proposal at hand.

Schumm said there had been substantial activity and would rather be a party to this situation, sooner than later. He said County Commissioner Thellman was concerned about this situation too. He said he would like to start a dialogue and find out how the City/County Commissions were going to react to everything and what they were going to do with the tribe. He said he didn't want this to be misunderstood that he wasn't welcoming Native American tribes.

Farmer said he didn't mean that at all.

Schumm said he was concerned about the environmental impact of that property. He said it was a very delicate property.

Farmer said the best approach was not to be reactive, but proactive. He said extending a hand to friendship and courtesy, initially, before having a joint meeting to talk about assumptions was going to be a positive thing. He asked the Commission if it was a good idea to meet with the tribe and have a joint meeting once they figured out what was going on. He said he wasn't trying to do the Mayor's job.

Dever said no, everyone had talked individually, but not as a group because the Commission shouldn't do that.

Schumm said he had been involved on the front end with the Ketchums when they were the spokespeople for the tribe; now he understood that changed. He said getting up to speed with the correct information would be helpful. He said he agreed that when you don't know the

facts that everyone expected something else and a lot of times were different, it certainly wasn't fair.

Dever said he had to go to Oklahoma City sometime, this month, and could meet, or they could schedule a formal meeting with a couple of Commissioners. He said they needed to have a face to face conversation sooner than later and then schedule a meeting.

Corliss asked if the Commission's direction was that the Mayor schedule a meeting with the appropriate tribe member and then after that have a discussion with the County Commission.

Dever said yes and wanted to seek the City Manager's assistance in arranging that visit.

Amyx asked if the Mayor wanted to include a County Commissioner.

Dever said yes.

Amyx said the Mayor might want to make that contact with the County Commission.

Dever said it depended on what transpired and if they were really interested in meeting and if he just stopped by on the way or made a formal conversation of this.

Farmer said a formal conversation would be great and felt the tribe would want to meet with the Commission. He said what they had heard all along was that the Delaware Tribe wanted to meet with the Commission. He said they owed it to the community to be strategic in what happened on that piece of land. There was a lot of concern and some of that concern was justified and others were just assumptions that folks were making. He said the Commission had an opportunity to justly figure out what was happening and be proactive in doing that. He said he would be happy to attend the meeting with the Mayor.

Dever said the Commission would endeavor to schedule a meeting in the next couple of weeks and would invite one County Commissioner at a non-public meeting.

Corliss said that as his understanding.

Schumm said based on what was found, the City Commission could figure out the next step.

H: CALENDAR:

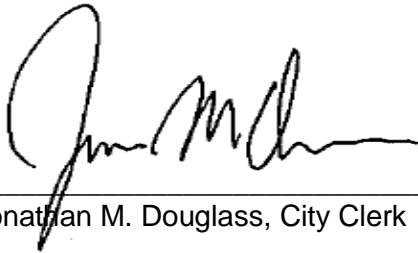
David Corliss, City Manager, reviewed calendar items. It was determined by the City Commission that the study session date regarding rental registration would be 4:00 pm, on Tuesday, October 22, 2013.

I: CURRENT VACANCIES – BOARDS/COMMISSIONS:

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

Moved by Schumm, seconded by Riordan, to adjourn at 9:46 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON NOVEMBER 5, 2013.

A handwritten signature in black ink, appearing to read 'Jon M. Douglass', is written over a horizontal line.

Jonathan M. Douglass, City Clerk