



City of Lawrence

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CITY COMMISSION

MAYOR
JEREMY FARMER

COMMISSIONERS
LESLIE SODEN
STUART BOLEY
MATTHEW J. HERBERT
MIKE AMYX

July 14, 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 p.m.)

1. City Commission Study Session on the 2016 Recommended Budget.

B. RECOGNITION/PROCLAMATION/PRESENTATION:

1. Proclaimed Saturday, July 18, 2015 as Clyde Bysom Day.

C. CONSENT AGENDA

It was moved by Commissioner Boley, seconded by Commissioner Amyx, to approve the consent agenda as below.

Motion carried unanimously.

1. Received minutes from the Planning Commission meeting of 05/18/15 and the Traffic Safety Commission meeting of 06/01/15
2. Approved claims to 174 vendors in the amount of \$3,571,616.93 and payroll from June 28, 2015 to July 11, 2015 in the amount of \$2,164,885.41.
3. Approved Drinking Establishment licenses for Merchants Pub & Plate, 746 Massachusetts St. and Ricks Place, 846 Illinois St., as recommended by the City Clerk's Office.
4. Approved appointments to the Planning Commission of Rob Sands to a term that would expire 05/31/18 and Bryan Culver to an additional term that would expire 05/31/18 as recommended by the Mayor.
5. Adopted on second and final reading the following ordinances:
 - a) Ordinance No. 9099, establishing No Parking along the south side of 11th Street for a distance of 60 feet east of Rhode Island Street.
 - b) Ordinance No. 9128, to rezone (Z-15-00198) approximately 10 acres from RSO (Single-Dwelling Residential-Office) District to CN2 (Neighborhood Shopping Center) District, located at 4300 W 24th Place. (PC Item 3A; approved 6-1 on 6/22/15)



- c) Ordinance No. 9129, creating the Affordable Housing Advisory Board to oversee and to make recommendations to the Governing Body regarding the Affordable Housing Trust Fund.
6. Adopted Resolution No. 7127, establishing August 4, 2015 as the public hearing date on the advisability of the making of certain improvements and signalization of 6th Street and Champion Lane, Project Number PW1507.
7. Received update on BizFuel activities and direct the Small Business Facilitator to respond, on behalf of the BizFuel partners, to the Network Kansas Request for Information for the purpose of consideration of the City of Lawrence as a pilot community for the Metropolitan (E-) Entrepreneurship Community Partnership.
8. Authorized the Interim City Manager to execute the Solid Waste Management Household Hazardous Waste Grant Contract for state fiscal year 2016.
9. Concurred with the following recommendations from the Traffic Safety Commission:
 - a) To establish No Parking along both sides of Crestline Drive between 9th Street and Bob Billings Parkway and adopt on first reading, Ordinance No. 9130, establishing the No Parking. (TSC item #2; approved 7-0 on 06/01/15)
 - b) To deny the request to establish a Multi-Way Stop on Overland Drive at the Free State High School east driveway, at the Free State High School west driveway, and at Champion Lane. (TSC item #3; denied 7-0 on 06/01/15)
10. Authorized the Interim City Manager to sign the license agreement with Dale Willey Automotive, Inc. for the use of the right-of-way on Iowa Street Frontage Road for the installation of conduit and fiber.
11. Approved a modification to the right-of-way permit for Project Number PW1417; HERE project, to Stevens Construction Corp., to close 11th Street between Indiana Street and Mississippi Street on Thursday, July 23, 2015 from 10:00 p.m. to 6:00 a.m. and on Thursday, August 27, 2015 from 10:00 p.m. to 6:00 a.m.
12. Authorized the Interim City Manager to enter into a cost share agreement with the Kansas Water Office on the on-going Kansas River Algal Study and approved payment to the Kansas Water Office in an amount of \$30,257.
13. Authorized the Interim City Manager to execute a License Agreement permitting Knightly Environmental Incorporated, a Kansas corporation, to install and maintain one ground water monitoring well within the City's right of way at the intersection of West 25th Street and South Iowa Street in accordance with the terms of that agreement.
14. Authorized the Interim City Manager to execute a License Agreement permitting USD 497 to use a portion of the Haskell Avenue Right of Way for the installation of ground mounted monument sign in accordance with the terms of that Agreement, the design plan, and the approved sign permit.
15. Authorized the Interim City Manager to execute a License Agreement permitting USD 497 to use a portion of the New Jersey Street Right of Way for the installation of 33

angled parking spaces for use by New York Elementary School in accordance with the terms of that Agreement.

16. Authorized the Mayor to sign a Release of Mortgage for Marjorie E. Borom, 818 Maple Street.

D. CITY MANAGER'S REPORT:

Diane Stoddard, Interim City Manager, presented the report regarding Fireworks Related Responses, Stormwater Utility Billing Procedures and Monthly Building Permit Reports for June.

E. PUBLIC COMMENT:

K.T. Walsh:

I'm representing myself tonight. Tonight, what I want to talk to you about is the East 9th Street project. I'm afraid it's not on the agenda, even the consent agenda, but things are rolling really fast. There's no citizen's advisory meeting until the end of the month. The only way to do it is talk to you now. Here's a few concerns. Yesterday and tomorrow, our Director of Arts and Culture, Porter Arneill, held open sessions on how artists can apply to create artwork for the East 9th Street project and for any of our public art projects. I couldn't be there, had to work, have to work tomorrow, but several people took careful notes. Their daytime meetings hard to get to. This may seem scattered, but I didn't have time. Porter said that the meetings of the jurors who will choose the artists will be open to the public. We need to make sure in terms of transparency that those times and locations will be uploaded to the city website and sent out to all the usual culprits. I know Porter is moving his family this week so he's under pressure, but nevertheless. We had concern when Porter talked about where he has sent the RFQ out; this is the call for artists. It's very targeted. It's been sent to Indiana and a couple of universities. It's sent to some really major public art websites. I did an informal survey of 7 artists I know who work internationally and nationally and myself, I mostly work in state, but I have worked nationally. The websites that we troll constantly for RFQs that we can jump on are not even a part of it. The perception, maybe not the reality, but the perception is that perhaps lower level people artists, emerging artists, are not to be included. Also perhaps some artists have been pre-chosen or are being targeted. I would like to suggest the inclusion of Cafe.com, SlideRoom, The Public Art Network, Art Deadline, Professional Artists, Forecast Public Art, which are things that anyone [inaudible 00:02:32]. Artists are required to provide their own liability insurance. If you're only getting a \$1000 on the try it out project that's very problematic. It could take up the whole \$1000 or you could lose money. Could El Dorado provide this? Could the City provide liability? What happens when you say the artist has to secure their own liability insurance? That's great if you're a big time

artist. It's also great if you're affiliated with an architectural firm or a metal fabrication firm because they'll cover it for you. For an independent artist trying to make a living, that's a big expense. Last night at the meeting and also at the Citizens Advisory Committee meeting people keep saying, "Whoa! This turnaround for getting artist to send in their proposals." It turns out the first RFQ went out on June 25th. That gives artist 29 days to get their proposals in. That is incredibly rapid for the public art world. The Douglas County artists request for proposals that went out I believe today, it gives them 19 days to get their proposal in. That's rough folks. When we ask Porter what's the typical amount in time given and he has long experience in Kansas City and other large cities, he says 6 months just typical, but this is on a fast track and we can't [crosstalk 00:04:22] 3 months. What's the rush? We want the best. We don't want just whoever runs across it on the web randomly. We want to give people time so we get sensitive quality artwork. I won't go on a whole lot longer. We had sent ... The East Lawrence Neighborhood Association has sent a letter last year. We also sent a letter to the Citizens Advisory Committee and to you, commissioners, asking that a small percentage of ... Please, some of the artist be from East Lawrence, please. They agreed in spirit but they did not vote for it. What happened was ... Also we got 140 people to sign a citywide letter especially for Commissioner Herbert because he said the only people speaking out or something to that effect, I'm paraphrasing, were people from East Lawrence so I even took it to one of my friends funerals to get signatures and those were people from all over Lawrence who have concerns. I know this is a little bit of inside baseball because perhaps you're part of the public ... Well, your wife knows all about this but if you're not part of the public art world you got to learn how things are done. There's one other thing that's going on in the art cue for the try it out section. That's the first year of project that will happen. It's going to happen on Saturday September 19th, coming up and no one has come to the East Lawrence Neighborhood Association about it. There are suggestions for street closings; bands, barbeque, but the artist will premier their works that day. We're wondering when all the neighbors are going to hear about it and also we ... if there are bands and street closings, loud music I think, we haven't voted on it, but I'm betting the neighborhood association would prefer it's in our entertainment district which is the down town. Our neighborhood has families, people have to go work in the morning and we'd prefer all of the loud entertainment take place down town. I'm sorry that was so scattered but things are rolling very fast. Thank you.

F. REGULAR AGENDA ITEMS:

1. **Conducted bond sale. Considered declaring an emergency and adopted on first and second reading, Ordinance No. 9131, authorizing and providing for the issuance of water and sewage bonds, Series 2015-B and considered adopting Resolution No. 7128, prescribing the forms and details of and authorizing and directing the sale and delivery of water and sewage system refunding revenue bonds, Series 2015-B.**

Brian Kidney, Finance Director, presented the staff report.

David MacGillivray, Springsted Inc., explained why the City received good credit ratings from Moody's.

Amyx asked about the closing costs.

Kidney explained the closing costs and how the city had an underwriter discount which was \$40,000 and the cost of issuance was estimated at \$72,000.

Farmer asked that the Moody's Rating Report be added to next week's agenda, under the City Manager's Report, as a public document.

Mayor Farmer called for public comment. None

The City Commission reviewed the bids for the issuance of water and sewage bonds, Series 2015-B, in the amount of \$9,730,000. The bids were:

Bidder	True Interest Rate (%)
Piper Jaffray & Co.	2.0335
J.P. Morgan Securities LLC	2.0392
FTN Financial Capital Markets	2.0643
First Southwest Co.	2.0666
Hutchinson, Shockey, Erley & Co.	2.0750

Moved by Commissioner Amyx, seconded by Commissioner Herbert, to award the bid to Piper Jaffray for a True Interest Rate of 2.0335%. Aye: Amyx, Boley, Farmer, Herbert and Soden. Nay: None. Motion carried unanimously.

Moved by Commissioner Amyx, seconded by Commissioner Herbert, to declare an emergency and adopt on first and second reading, Ordinance No. 9131, authorizing and providing for the issuance of water and sewage bonds, Series 2015-B and adopt Resolution No. 7128, prescribing the forms and details of and authorizing and directing the sale and delivery of water and sewage system refunding revenue bonds, Series 2015-B. Aye: Amyx, Boley, Farmer, Herbert and Soden. Nay: None. Motion carried unanimously.

2. **DEFERRED Considered the following items related to the proposed transfer of 1.38 acres of Clinton Park property to USD 497 for the construction of limited site changes associated with proposed Pinckney Elementary School improvements as shown on the District preliminary site plan as approved by the Lawrence Historic Resources Commission on December 18, 2014:**

- a) ~~Considered the proposed 'no build' easement that limits future improvements on the park property to only fire lane and limited parking spaces and maintains the majority of the historic park property as greenspaces for play areas and gardens.~~
 - b) ~~Considered the warranty deed, with right of first refusal clause, for the transfer of 1.38 acres of Clinton Park property to USD 497.~~
 - c) ~~Considered the proposed dedication of easement and vacation of right-of-way as depicted on the Minor Subdivision for Pinckney Addition, located at 810 W 6th Street. Submitted by Grob Engineering Services, LLC, for USD # 497 and the City of Lawrence, property owners of record.~~
3. Considered approving a Special Use Permit, SUP-15-00185, for Verizon Wireless LLC to construct a new communication tower, located at 2001 Moodie Road, submitted by PAMCORP on behalf of Verizon Wireless LLC for Ottawa Cooperative Association, property owner of record and consider adopting on first reading, Ordinance No. 9127, for Special Use Permit, SUP-15-00185, for Verizon Wireless LLC to construct a new communication tower, located at 2001 Moodie Road. (PC Item 2; approved 7-0 on 6/22/15)

Sandra Day, Planner, asked that the City Commission declare ex-parte communications regarding SUP-15-00185.

- Vice Mayor Soden: I received an email from Chuck Magerl.
- Mayor Farmer: I didn't have any communications with anyone other than who we all got emails from.
- Commissioner Amyx: I did have communication with Steve and Duane Schwada yesterday. We did discuss the location to where the tower is located on the applicant's property and the proximity that it has to the building to the north and the concerns that they had about that location.
- Commissioner Herbert: I received the same emails from Chuck Magerl and I also had an exchanged text messages this afternoon with Steve Schwada regarding the location of the tower. It was literally one text message. I just asked for clarification if he was opposed to the tower as a whole or if he was just simply opposed to the distance it was from his property and he responded it was the distance from his property.

Sandra Day, Planner, presented the staff report.

- Commissioner Amyx: I do. Sandy, who defines the fall zone? Who does that? Is that done by the engineering?

Sandra Day:
Planner Yes. They would have to provide an engineering study and report to certify that that tower would fall in that zone and that would be reviewed by our building staff.

Commissioner Amyx: Second of all, the entire property that is in this application and there about 9 acres in there?

Sandra Day:
Planner About that, yeah. It's a large property. It's very long.

Commissioner Amyx: Within reason and I'll say that we have the opportunity to make changes if majority of the commission sees fit to make changes to the location of the tower if it feels that this is the best for that for that sending it back.

Sandra Day:
Planner I believe so. I would like Scott and Randy answer that in more detail.

Commissioner Amyx: Obviously, my concern has to do with the fall zone and the proximity to the building to the north and the people who come and go from that building.

Mayor Farmer: Any other questions for Sandy? Okay, Sandy. Thank you. Public comment on this item.

Curtis Holland:
Attorney-Polsinelli Law Firm For the record my address is 6201 College Boulevard Suite 500 Overland Park, Kansas. I'm here on behalf of the applicant, PAMCORP, LLC, who and really our true client and applicant in the case as Verizon Wireless as you know as well as my way of being on the property representing the landowner, Ottawa Cooperative Association. I'm going to try to be brief if I can but there are a lot of issues that have been raised in the application. I will commend staff and Sandy Day, her report was excellent just now. She really provided an excellent overview of the issues. Where we've been and where the case stands today with regards to issues in terms of I think maybe the only issue and that's its location on the property. I want to talk to you about that a little bit but I do have a little brief PowerPoint I want to get to it. Again, Sandy did an excellent job of explaining the application and as she reminded you at the beginning, this site is an alternate site that was filed in response to an earlier application that was denied by this commission back in November at the end of last year. On the screen here you'll see and you've seen pictures from staff indicating where the current site is proposed to be located. It's approximate location where that yellow thumb tack is. I call it the Barker site number 2. Our site name, Verizon site name just for terminology is LAWC Barker and so the first site, the first case that came through that was denied earlier this year or rather at the end of last year was Barker 1, at least, in my PowerPoint and you'll see here Barker number 2. That's the current proposed alternate site that's

before you to now in terms of this application. I would say that when we were here last and I wasn't a part of that application earlier that, at least, in terms of the original application that was off the road off of Bullene and I'll for the sake just tell you or show you at least where that earlier site was. Sandy mentioned it but just on the screen is an aerial that shows you where Barker 1 is located. To the north there off of Bullene Avenue and that site, that was the site that she mentioned was earlier denied and as I've mentioned, of course, you probably already know that we file an appeal of that decision which was within our rights, but we also attempted to be flexible and to find an alternate more acceptable location. That lawsuit is pending but it's a state if you will because the parties have agreed to that essentially, while we go through this process to figure out if we can find an acceptable location for this communication tower structure. Again, you can see on the screen where the relationship is between what Barker number 1 was and the current proposal Barker number 2. During the proceedings on Barker number 1, and again, I wasn't here. You all sat through and you know better than I do but I understand the commentary from the public and even from some commissioners was at that the time, "Hey, move that site to the south. Let's go to the grain elevator property. No one could possibly complain about it if you move the site to the grain elevator property." That was the direction we went and that's what we did. We did go to the south and I'll show you a picture here later. That isn't our preferred location by the way. Our preferred location is here, Barker number 1 on the screen. The search area for this location it is better for Verizon Wireless network to be located further to the north of the site that we're here tonight to talk about. Our preferred site, again, would be Barker number 1 off of Bullene property, but again, it was denied. Anyway that's sort of the setup for why we're here tonight and with this current application. Go to the grain elevator property and that's what we did. Again, just another close up shot of the site itself, the thumb tack is the approximate location of the tower facility. Sandy had way better maps than I did but I did put on this map. The red lines which she showed in an earlier aerial represent electric power lines that run diagonal through the property, as you can see. Then there are another set of power lines that run basically east-west immediately south of the building to the north which is owned by Mr. Schwada who I know is here tonight and represented by counsel. That shows you a little bit of our difficulty in terms of where we can site this facility on the property and that, again, is because we have some power lines to deal with and also as Sandy mentioned, the owner of the property, Ottawa Cooperative Association, wanted to minimize the impact of the facility on its property where in terms of allowing for future expansion or development of their property and so like a lot of property owners who would consider a facility like this, they want to put it in a corner so that it would impede

the remainder of their property and allow for future development of their property. I do want to make one comment, I guess, as good a picture to use, and that is with respect to this site where the Barker site is, true as the commissioner mentioned that the property overall itself is about 9-1/2 acres but a good portion of it, 2/3 to a half of it is leased to other property owners so the site it's really under 100% control really of our landlord, is just the northern portion of the property. The buildings to the south are leased again or on property that's leased to other and so we do have some restrictions in terms of where we can locate it. We were directed by the owner of the property not to interfere with the driveway, which you can plainly see where it is located, not to move into that area and again we also had some commentary from Westar Electric as to its proximity to the electric lines and we needed to stay away from those and so sliding the tower further to the south is a bit of a problem for us because our landlord didn't allow it. There could be some slight adjustment but really not enough to satisfy the building owner to the north, and again, we got the power lines to deal with too and staying away from those. That's sort of the issue and really why we ended up where we are on this property is because of the landlord's direction, Westar's concern with their power lines, where they're located and trying to also be mindful of the adjoining property owners to the south and to the east as Sandy mentioned is a residential area. Where we are showing the tower here on the aerial is the furthest away from a residential property and also the furthest away from the bike-hike trail to the west which had received some complaint from the association earlier. We've put the tower; at least, where we think is the best location on the property as it relates to ourselves and our interests. I will concede and admit that Mr. Schwada has raised an issue with respect to where the tower is in relation to his building and I want to talk to that a little bit because it seems like there's not really an issue here about the need for the site or what it looks like, but it's where it's located on the property. At least I haven't heard any complaint from Mr. Schwada or anybody else directly on that issue. As you know staff is recommending approval of the site. I mentioned earlier that we prefer to be in that northern location off Bullene that was earlier denied by you, by this commission, although it was recommended by planning commission and the staff at that time. I wanted to show you this little picture here. This is a site search map that is Verizon's preferred location for the communication tower or facility. The red circle is the area within which they would prefer to locate a facility and that's what originally happened with the site acquisition team that came out of this area to search for a site and found the Bullene property and as you can see, there's an arrow here. This is the earlier site that was selected and the application was denied. You can see the bulk of the area and the search area is residential but there was some industrial over here on the east side of our

search ring and that's where we proposed the tower originally. Again, this is the preferred location of the facility. This site that we're bringing to you tonight is basically a compromise, it's not a better site, it's a worse site frankly from an RF engineering standpoint but it was an attempt by Verizon Wireless to work with the community and try to address the concerns that were raised by some of the residents in that area and we moved this facility to the south. It's off the screen here. It's down on this location now. It's further to the south outside of our search area, bringing us closer to other facilities that we have and making our facility overlap in terms of its coverage with other facilities that we already have coverage from making it a less efficient facility for us but again we're willing to move it here as an attempt to compromise with the community and find a place for it that it isn't objectionable. As you know now, we can't satisfy everybody. I mean you move these facilities you're going to find somebody else that doesn't like where it's located. I will point out just for the record, that staff report and this is the planning commission staff report, it's in your packet today, of course, the staff goes through a pretty thorough review of the criteria that you all have adopted for considering these applications. The review criteria number 1 is whether the proposed use complies with all applicable provisions of this development code and the staff finding is this use complies with applicable provisions of the development code. What we're doing here tonight is considering and application that was an alternate application for a site that was previously denied on its location that was directed by folks in the audience, maybe some of you as to go investigate whether you could put the site there. We did come to this location. There's been a thorough review again by staff of the location, the criteria that's been adapted by the planning commission the governing body use the City of Lawrence codes, we meet the applicable codes according to the staff. I want talk briefly about the issue of its location next to the building to the north and that's been raised by Mr. Schwada. It was the basis in part for some of the protest petition. I don't have the protest petition map here but I will tell you and remind you that there was protests signature, signatures from landowners that were to the west, some 500 feet away from this facility and so it isn't as simple as moving this tower 90 feet or a 130 feet away from the property line is going to solve all the objections because we have signatures on the protest petition from people who are 500 feet away from it. If we start moving this tower to the south presumably the persons who signed that petition that are to the west are going to continue to object. Mr. Schwada may not object to it any longer but the folks to the west might. Also if you consider moving it to the south, I would suggest that perhaps some of those residences that are to or south and east who haven't signed the protest petition, they might find it objectionable now that the tower is moving closer to them and they might suddenly sign the protest petition. I guess

my point here is that just simply moving it isn't going to take away the issue for all the parties that are involved here. It might solve the objection of one property owner but we have other property owners who have signed the protest petition or who may sign protest petition if the facility is closer to them. Now back to the issue of where the facility is and location to the building. I would tell you that these towers, particularly monopole towers, are designed and constructed not to fall over. We have hundreds of thousands of towers across the United States and rarely is there ever any kind of a failure or an incident with respect to any of these kinds of towers. There're generally 3 types of towers. You have a monopole which is what we're proposing tonight. You have a self-support, a 3-legged steel lattice tower type and third you have a guide tower. That's the tall tower that has guide wires tethered to the ground and of the 3 types of towers the strongest tower is the monopole tower. There's never been a weather induced failure of a monopole tower in the United States to my knowledge. I'll have a picture here to show you that there was a direct hit on a tower in Tuscaloosa, Alabama a few years ago and the tower is standing nothing else around it is, but back to my point. These facilities are designed not to fall over. Now, a staff earlier indicated that this facility meets all of the cities applicable codes and that includes the setback and the fall zone that was referenced earlier. We're going to design the facility to remain within a 40-foot fall zone. It can be done and it will be done and it will be reviewed by your engineers and it will be built and inspected by the City to make sure that it's built correctly. The 40-foot fall zone for a monopole and I'll just tell you, monopoles typically, rarely if ever would fall over from the base of the tower, 120 feet in this case because that's how tall the tower is and hit a building. The fall zone is designed so if there is a failure it is at the top of the tower within 40 feet of the top height of the tower and the pole doesn't just fall over from the top, the 40 feet at the top doesn't fall off and land on the ground, it bends so that when wind or something like that, typically it's wind, is coming up against the tower and there's a force and the resistance that's there, once the pole bends the force to it or against the wind dissipates and so it no longer continues to fail but there's a failure point which means really the top of the pole is going to crimp at the top. There are as I mentioned hundreds of thousands of towers in the United States and many of them are close, very close to buildings and I'm going to show you a couple of examples here and that's what this picture is and right here in the Lawrence, in the community of Lawrence, we have cell towers very close to buildings. Here I'm just going to run through a couple of examples. This is Lawrence Justice Center at 111 East 11th Street. You can see the communication tower structure. You can see actually the shadow that maybe better than the tower. The tower is right here. That tower is within 70 feet of the building, the Lawrence Justice Center building. This

is at 31st and Iowa. It's a storage facility. There's the tower right there. There are buildings right next to it. There's another picture of it from the street level to look back and see that towers. It's a similar tower. This one's probably a little bit taller than the one we're talking about tonight. This is Vanderbilts at 23rd or on 23rd near Harper Street a communication tower right there along next to the building. This is what it looks like from 23rd Street, again, next to the building. Then there's also some other towers. I'm giving you some other pictures and there're some pictures in here planning commission staff packet too of other towers but here's some towers that are actually in Lenexa, Kansas, close by. This is at 435 this is actually the off ramp from I35 south going to eastbound 435. There's an industrial park there. We have a communication tower located between 2 buildings at that location. Again, these are towers very close to buildings that we're talking about with you all tonight in terms of this application. That's what that tower looks like. It's got 3 platforms on it in between the buildings. Neither building in the same park, this part actually has 3 communication towers in it. You can see the tower represented by the thumb tack and there's the tower from the street view. Here's another tower, again, next to another building in that park and that's what that looks like from the side. It's right next to the building. I know Mr. Schwada is concerned about the Tower falling over and hitting his building and I've talked to Mr. Schwada, I've talked to his attorney and I can't convince them otherwise and if I had a magic wand and could wave it and get the landlord to allow us to move it 130 feet south or however, I would do it but that's not what I have. What I have is a very limited area within which I can place this on the land. This is a picture of the building and the communication tower would be roughly in this area but this picture help me highlights one other thing. I had showed you the power lines that are there that go crisscross diagonal across our property. Those same power lines or a different set of power lines, same company, they go east-west north across the northern part of our property and you see this pole right here, right next to Mr. Schwada's building. I would suggest to you, that's probably a little more dangerous than our cell tower and I don't think there's any complaint about that, those poles have been there. I don't think there's a danger of them being there. But if there was a heavy weather event and that pole fell over with this distribution electric lines that would probably be a bigger issue for Mr. Schwada, not necessarily discounting his concern here but I don't think it's in this particular case that it should be considered a valid concern and at least not a concern that would give you a reason to deny the tower particularly where it meets all of your applicable codes. This happens to be a building across the street. Same scenario, same situation of electric pole line right next to a building. Towers don't fall down, they don't. Rare circumstances would you have an issue and here's an example that I mentioned earlier of a tornado that happened in

Tuscaloosa so you probably all remember a few years ago and everything else around it was destroyed and there's the tower still standing and I guess if one every unfortunately happen to hit us here, that'd probably be the same scenario. This tower would be standing and Mr. Schwada's building may not be so lucky, I don't know, but many of them. We heard his concerns. We did talk to the landlord about possibly moving the facility to the south a little bit, and again, because of the fact that they lease a lot of the southern portion of their property and because they want to keep the remainder of the property as open for future development as possible and given the location of the power lines, it's been located where it is. With that I would close. Happy to take any questions if you have any and try to address any concerns you might have. We're in agreement with the staff recommend stipulation with regard to planning. The additional evergreen trees provide some screening on the ground and with that I will close. Thank you.

Mayor Farmer:

Questions for Mr. Holland.

Commissioner Amyx:

Mr. Holland on the map you have a line or show where the leased property is on the applicant's property.

Curtis Holland:
Attorney-Polsinelli Law Firm

I don't have that. I don't know the exact boundary lines on the property. I don't even really have a great map of the property. This is the best map I have and it's somewhere south of these buildings and I don't know if the city wants to put their map back up.

Commissioner Amyx:

Yes. That'd be great.

Sandra Day:
Planner

This shows almost all of the applicant's property. These buildings and improvements are predominantly related to the active coop operations. It's staff's understanding that the buildings located down at the south here and I do not know for certain about this one, this building and these if those are part of that lease agreement. There are a couple other businesses that have space within that property.

Commissioner Amyx:

I can't see the street number of the one that comes in from the east that towards that top.

Sandra Day:
Planner

This is 21st Street, this is 20th Street.

Commissioner Amyx:

Okay, 20th Street where it comes in there from the east so is it safe to say all the property that runs along the eastern edge of the coop property that is below that high power or the power lines that comes through there? Is that property that is owned and controlled by coop for their use?

Sandy Day:
Planner This and then actually we just approved ... I'm sorry.

Commissioner Amyx: No. Where the pole is that's directly south of it, that green strip that's through there where the proposed site of the pole.

Sandy Day:
Planner I'm sorry.

Commissioner Amyx: This power pole or this communication tower.

Sandra Day:
Planner Okay, this is the power pole.

Commissioner Amyx: The green space that is just to the south of it.

Commissioner Amyx: Do you see where the proposed landscaping is?

Sandra Day:
Planner Yes.

Commissioner Amyx: That greenery area in there

Sandra Day:
Planner Yes, that is Co-op.

Commissioner Amyx: A site in there does not work? Is that what I hear you say Mr. Holland?

Curtis Holland:
Attorney-Polsinelli Law Firm Well, we have the power lines to deal with right here. What I'm saying is shifting it south and then trying to be mindful of the landlords desire to keep the facility away from the driveway here or here as well as the power lines that run through here, we have small area. It could be adjusted some distance, not probably a significant distance, I guess.

Commissioner Amyx: That power line is coming from the north. There is an easement that runs down the eastern edge of the property, correct?

Curtis Holland:
Attorney-Polsinelli Law Firm There is an easement here. There's also an easement here and there's an easement over here. There are easements surrounding this, yes.

Commissioner Amyx: Could it be possible to drop a pole on the eastern edge of that property and put that line going to the south and then have it come across somewhere on the right side to where it connects now under the pole to the south there?

Curtis Holland:
Attorney-Polsinelli Law Firm I think if you're suggesting having a pole drop in this area.

Commissioner Amyx: Right in that area.

Curtis Holland:
Attorney-Polsinelli Law Firm Having it tied there and then put north. Anything is possible if you have enough money and engineering. I supposed I can't say 100% that couldn't be done. We've never had a discussion with Westar. I don't think the city has ever negotiated with Westar.

Commissioner Amyx: We probably have.

Curtis Holland:
Attorney-Polsinelli Law Firm It isn't that much fun but I can't sit here and say it's a 100% impossible to do it, but we haven't talked about the cost of doing that so I guess that's potentially unanswered. I'm almost certain of the cost of that would be prohibited for our client to do it. Moving power lines isn't cheap. You probably already know that too. Yes. This is a big distribution line.

Mayor Farmer: I drove down by there this afternoon and if we were to put it essentially at the intersection of 20th and Moodie, Scott our easement runs along the west side of 20th of Moodie Road, isn't that correct? Is that a city easement? If we were to put it around the utility easement working with our own utilities department right at the intersection there of 20th and Moodie Road where essentially the far south green dot is, why would your clients not acquiesce to that request? Help me understand. The power lines are running diagonal.

Curtis Holland:
Attorney-Polsinelli Law Firm Here?

Commissioner Amyx: Yeah. Right there. I mean it seems to me, Curtis, while I was out there looking is that if your tower goes up where it's proposed it's pretty close to that power line and you could move it to this location to the south, it's still going to be about the same distance, maybe even a little bit farther to the east to the high power line that's there and you wouldn't have to move that line.

Mayor Farmer: Further away from the driveway. Has been that discussed with them and what was the outcome of that conversation?

Curtis Holland:
Attorney-Polsinelli Law Firm We discussed moving it as far south as we could. This was not something that they wanted to do was to move beyond this area. The other issue you have with what you're suggesting is it puts it closer to the city's right-of-way which was also an issue raised by staff in the beginning of this application so we shifted the facility another 15 or 20 feet west to get away from the city's right of way. What you're suggesting is kind of the opposite of what staff was directing us to do.

Mayor Farmer: Can you speak to that Scott?

Scott McCullough:
Planning & Development
Services Director

There are a couple of issues that probably no one here can speak definitively on this issue. Their earlier comment about the fall zone extending past the private property to the north of the right-of-way and so we interpreted the code to require the fall zone to be on their property. We have to study that and the public process.

Commissioner Amyx:

That's all I'm thinking is Mayor is that if you take it directly to the south, the fall zone study is going to be required by your engineers to create whatever that fall zone is.

Curtis Holland:
Attorney-Polsinelli Law Firm

Our fall zone is 40 feet is probably as tight as we can get it. You can't go to a 20-foot fall zone for example. The other thing I'd suggest is moving it to the south like has been suggested, it brings it closer to these properties. I don't know if the residences down here are going to object now suddenly because the tower is closer to them. I know the property owners to the west over here filed or signed a protest petition, so I do not understand the discussion because if we're trying to avoid any objection to it, we're not going to solve that. We're going to have objections to it. If you're concern about is proximity to a building, if it meets the city's code which staff has said that it does and if it's designed to meet the fall zone, which it will, and since we have examples of this in the City of Lawrence and all over, I'm not sure why we'd go through that kind of an exercise here.

Commissioner Herbert:

Mr. Holland, during your presentation you mentioned that you had to take into account the power lines in terms of the placements. As where I see it placed, how close are you to those 2 power lines? I guess really the root of my question here is what proximity to the power lines becomes dangerous?

Curtis Holland:
Attorney-Polsinelli Law Firm

I don't know if it's ever dangerous. This was just what Westar wanted. Westar wanted to have the pole be and I think that it's 10 feet? Twenty-five feet from the center of the lines. Ten feet from the edge? We moved it outside of that area that they are originally had concern with and they were okay with where it is now.

Commissioner Herbert:

You yourself are not actually concerned about the power lines, it was Westar that was concerned and you were adhering to Westar's ...

Curtis Holland:
Attorney-Polsinelli Law Firm

Yes. The tower is not going to fall and hit power lines either. I don't know why Westar has the rules that they do. Some of them I do understand, trees for example that might grow up underneath the power lines but a pole next to it, frankly, we have poles next to power lines all the time.

Mayor Farmer:

Other question for Mr. Holland? Okay. Thank you.

Curtis Holland:
Attorney-Polsinelli Law Firm

Thank you.

Mayor Farmer:

Other public comment?

Rick Hird:
Attorney-Petefish Law Firm

I represent JDS Enterprise LLC and Steve Schwada and I thank you for your time and for your attention regarding this matter. I have an initial question for the staff and I know I'm supposed to address you and not others directly but it seemed to me that these residences are adjacent to this parcel which they appear to be. Then the setback requirements in the city code which are found in section 25-29 indicates that a tower shall be setback from the property line in all directions a distance equal to at least 1/2 the height of the district of the communications tower if the site is in or adjoins in our based district. If I understand correctly, those residences do adjoin this property so I don't understand how as proposed, this can comply with the city code. That's my initial question. Now I probably just should be quiet and sit down at this point because I think the application does not comply with the code.

Mayor Farmer

Can we get staff's response on that, is that okay?

Rick Hird:
Attorney-Petefish Law Firm

Sure.

Mayor Farmer

Scott.

Scott McCullough:
Planning & Development
Services Director

If you look at the subject property, we've got several districts that adjoin this property so our analysis based on what the setback would be as the subject property adjoins it. So only that frontage, if you will, or the property that adjoins the R district is that setback part. Where it's placed to the north, there's an industrial zoning, that setback doesn't apply.

Commissioner Amyx:

So there's R that adjoins this site somewhere.

Scott McCullough:
Planning & Development
Services Director

At that location along that adjoining property line.

Commissioner Amyx:

Is that what our code says?

Scott McCullough:
Planning & Development
Services Director

The value of that setback is for the rest of the properties of setback to come [inaudible 00:47:59]

Commissioner Herbert:

We're redefining the term adjoin based on the size of the thing that it adjoins to?

Scott McCullough:

No. There are several businesses that adjoin this same

Planning & Development
Services Director

property.

Mayor Farmer:

Sorry, Rick, just a second. Can you explain this, bring up the map. It's in our packet. Just clicking on where it says map of area.

Scott McCullough:
Planning & Development
Services Director

Several different districts adjoin this property at different locations. This is the area where RS zoning adjoins it. This area the setback even though Sandy showed a setback all around this was to also show a 130 feet from the north property line. This is the area, if you take this line across that would be a 130-foot setback all the way to the south. This is CO, GPI, and IO and IBP doesn't have that same setback in both.

Commissioner Herbert:

If it were moved to the south, does that change?

Scott McCullough:
Planning & Development
Services Director

It would have to go all the way to the south pass this south of this line.

Commissioner Herbert:

The petitioners request would be okay?

Scott McCullough:
Planning & Development
Services Director

The petitioners request today not setback a 130 feet meets the setback requirements of the code as we interpret it.

Mayor Farmer:

Anything else on that before we get started? Sorry, Rick. It's an important question for us to get addressed.

Rick Hird:
Attorney-Petefish Law Firm

I appreciate staff's position but unfortunately that is not what the code says. This track is adjoined by R zoning and according to the city code the setback is at least 1/2 the height of the tower. We may have another legal dispute here, but I guess that's good for the lawyers. I want to go back briefly and touch on some things that Sandy said and also Mr. Holland and I do appreciate Sandy's presentation. I thought that I was very encouraged when she said that staff had been talking with the Co-op, the owner, about possibly adjusting the location. I don't think that anything has come definite here with respect to whether the Co-op will or will not agree to a different location. What is really apparent is we haven't looked at all the possibilities here and that moving it straight south might be a very viable possibility. The application for the SUP last year in the 3-12 docket and that was for the location on Bullene. At that time, the search area in which the tower was to be located did not include the Co-op site. It was interesting because Verizon, at that time, told the commission that the Salvation Army property was too far out of the circle to be a viable possibility and yet the site that we're talking about now is much further than the Salvation Army property. My client does not object to there being a cellphone

tower on this property. He simply objects to where it's located. As you can see and this is drawn to scale, here is the tower that's proposed and here's my clients building to scale and you can see what would happen even if the top of it broke off, it's simply way too close. Now I think it's interesting that there are other cell towers in town located next to buildings and I would submit to you that without any information from the applicant on this subject, most of those are situations where the landowners said sure, build your tower right next to my building and pay me the rent. As the landowner they're entitled to do that but this is a situation where my client isn't renting the space to Verizon for this tower. It's the next door neighbor that's reaping the benefits of it but the risk associated with this is entirely on my client. The premise of this request boils down to whether the monopole cell tower will or will not fall and counsel for the applicant was very plain in front of the planning commission when he said it never happens, it never happens. Most of the time he's probably right but cell towers do fall and weather is just one of the reasons. I can't stand here in good faith and tell you that all the pictures that I'm going to show you are the same type of pole that Verizon is proposing because we don't know what that is. We haven't seen the engineering. This is a trust us and we'll get back to you. These are monopole towers that had fallen, as you can see from this one, failure at the base is a very common occurrence. This picture is of a combination of light pole for the field and cell tower so I wasn't sure if it was a very good example. Cell tower fires account for a lot of the failures and because it weakens the metal. This is an example of a base of a cell tower that failed. Here's another example. Now this one fell from the first section, but as you can see it did land on a building. Here's an example of the base of one of the monopoles that shows what can happen. I'm not going to play this whole video for you but I may not be able to at all. That's too bad. I had an embedded video here. I'll focus on this slide. What this video shows is that this cell tower right here. It shows it burning and falling its entire length. My point is, when Verizon comes in here and tells you it's just never happens, that's really not true. It may be a matter of statistical probability, but it does happen. In this case, Verizon and Co-op want to put a cell tower where it could fall on my clients building very easily. Our request is for you to issue the SUP with a 130 foot setback from the property line to the north and the purpose is to eliminate the danger of falling on my clients building. The correspondence that I sent to you earlier and that is in your packet gives you some examples of other cities and counties that use setbacks either equal to or greater than the height of the tower. This is a reasonable request particularly considering the size of this site. They have 9 acres to work with and they don't have to cram this thing right where my client is located. This is drawn to scale and it illustrates right there is where they're proposing for the tower currently. If they move it back 90 feet then we solve the

problem, 90 feet in a 9 acre site. There are other locations. In fact Mayor Farmer, your question about moving it straight south, we located a spot where this could go and that their 40-foot fall zone in this exhibit and it also mention that there is a nice spot across the street the city owns maybe that's a good place to look as well. In summary, this is an application premised upon the idea that cellphone towers do not fall and that's simply not true. It seems reasonable to set this back far enough so that it won't damage this building and this building has anywhere from 8 to 18 employees in it during the day every day. It is a substantial safety issue for us. We don't object to the cellphone tower but we would ask you to either deny the SUP tonight or condition it upon the applicant setting the cell tower at least 130 feet from the property line to eliminate this potential danger. I'll be glad to stand for any questions you might have.

Mayor Farmer: Question for Mr. Herd. Thank you.

Rick Hird:
Attorney-Petefish Law Firm Thank you.

Mayor Farmer: Other public comment on this item?

Mary Beth Harmon: I live at 924 East 21st Street and so I would be very much involved in this tower if it was moved south and so I have a concern for what is being proposed. I live in that neighborhood, this is Nancy Smith who also lives on East 21st Street and we came here tonight actually we'll be speaking at the public comment after the meeting that is over but, I'm very concerned about what we've talked about the tower and moving it closer to our neighborhood. We're pretty close to it now. I want you to really take into consideration our safety and I appreciate that.

Mayor Farmer: Thank you. Other public comment?

Michael Almon:
Secretary of Brook Creek
Neighborhood Association Good evening, Mayor Farmer, and Commissioners. I precipitated this agenda item being here tonight due to our protest petition of the first cell tower site on Bullene Avenue. We submitted a letter that I hope you had a chance to read this letter here. Basically, notwithstanding the location on the Ottawa Co-op Association site which is to be determined or not, our neighborhood association finds the Ottawa Co-op Association site much more appropriate than the Bullene Avenue site particularly in light of what Mr. Herd has presented tonight and the risk of these towers falling which was discounted last November in the first hearing. Yes, there was a setback of I believe it was 50 feet from the residential properties to the north of Bullene Avenue. That doesn't address the fact that 120 foot tower would hit at least 2 of the houses to the north. If it does go back to consideration of that site, the same issues apply there as they do it to the site as far as residential proximity does. That

said, I want to apologize for one thing that we didn't have the wherewithal to get communication to the planning commission on this. Brook Creek Neighborhood Association doesn't have meetings in 3 months in the summer. Our vice president has been out of the area, out of town, for about 6 weeks at 3 different conferences. Our president is in-dispose so anyway, I am here tonight. This is the letter from our president, Rena Figures. Essentially I wanted to point out that the longstanding industrial zoning on this subject property, the Ottawa Cooperative Association site and its industrial zoning, makes it much more appropriate than the first site. The first site, yes, it is industrial zoning by Bullene but only on one quadrant of that site. The remaining zoning is residence, office, park and residential. The use in that area however is all light commercial whereas the site we're considering tonight is all industrial use and industrial zoning, so far more appropriate. At the time of last year's hearing, we and the commission and various other people suggested the Ottawa Coop Association site. I do have a question though of staff or of the PAMCORP application, applicant I mean, has any discussion occurred with the coop association about locating the antenna on top of the grain elevator? That is what we had suggested last year, do we really need another model for it. There are 3, I believe, 3 cell and shortwave communication towers, 3 or 4, on the grain elevators now. Why can't the antenna be there? I think it's probably because if they have a monopole they can't rent out 2 additional spaces for revenue source. That's not a good reason for having a monopole. We're not here tonight to fatten their bottom line with additional revenue. I think that question should be asked. As far as this particular application for a monopole on this site if it would be located in different area that would satisfy by adjoining property owners. The other lease holders on the property, what have you, the Brook Creek Neighborhood Association could support this application but I wanted to point out that the landscaping wouldn't be adequate as far as I understand the staff report. That is from the staff report from that with the arrow distances to the residential properties. The residential zone and the area to the southeast that is of concern abutting the property and then the 2 residential areas to the northeast and northwest right along 19th Street. This particular site is very high elevation which is one reason it's more appropriate for telecommunications. It's also extremely exposed. The site itself is completely treeless. Independence Inc. site to the east is completely treeless except along Haskell Avenue. The City Fire Department training facility is pretty much treeless. Mr. Schwada's property is pretty much treeless. It's open parking area building. It's very exposed and very visible. As far as what the staff report says, buffering would be required along Moodie Road where it abuts GPI, CO and RS zoning districts on the east side. Ground equipment should be appropriately screened. Mechanical equipment is required to be screened per

city code balanced with the need for security and visibility. This is speaking entirely of ground equipment, but it also says mechanical equipment. Seems to me that 130-foot tower is a major piece of mechanical equipment and that is where I think the condition that the staff is recommending submit a revised site plan which is basically what you're deciding upon tonight if you want to impose new conditions. Five additional street trees up 200 feet and that's the green area that you saw on your map from the staff report. We think that staff should be relying on the community design manual for industrial properties that go beyond what simply the development code says. Community design manual on page 3-2, Industrial Development - The level of applicability of these standards dependent upon the location and visibility and character of the surrounding area. High visibility, the standards and guidelines should be applied to the greatest degree practical with the following attributes, visible from arterial streets, collector streets or highways adjacent to residential development. It reflects the wording also on 3-13 buffer the line of site for taller structures, provide buffer between different land uses, utilization of various deciduous and non-deciduous plantings, landscaping should be in scale with adjacent buildings and appropriate-sized at maturity to accomplish the intended purpose. These are the guidelines that should be applied to the site plan condition. I don't know honestly, since the site plan we're looking at tonight is from the planning commission, I don't know what staff is working on for details of how they're going to have the site plan reworded if at all. What Brook Creek Neighborhood wrote in our letter, the tower is in high elevation, very exposed. It should be buffered from the 2 other residential areas along 19th street to the northeast and northwest. For deciduous trees and tree Norway spruce should be required along the north property line, 6 deciduous trees and 5 Norway spruce should be required along the north 500 feet of the east property line along Moodie Road that would be at least 80 feet at maturity. We're talking about a structure here in Lawrence that is much taller than pretty much anything else the code addresses. It's not like 35-foot building like we see downtown or a big business park. It's a 130 feet tall. The landscaping, as a designed guideline say appropriate-sized and maturity to accomplish the intended purpose of screening the site from taller structures. That's why Brook Creek Neighborhood is suggesting that that site plan code condition actually list kinds of trees that will accomplish what the code requires to buffer such a tall structure. That's all I have to say and I appreciate your time. Thank you.

Mayor Farmer: No other comment?

Female from the Audience: Is this on the same subject or something new?

Mayor Farmer: Same subject.

Female from the Audience: Okay. I get what you're saying.

Mayor Farmer: Come to microphone, please and state your name for the record. (Did not state her name)

Female from the Audience: Sir, were you talking about Independence Inc and the trees on Haskell?

Michael Almon:
Secretary of Brook Creek
Neighborhood Association I'm sorry?

Female from the Audience: Were you talking about trees on Haskell at Independence Inc. because that whole area is covered with trees? It's covered with trees down 20th Street. It's covered with trees on Moodie Road because that's just a block from my house. Okay. That's all I have to say.

Mayor Farmer: Do you have a public comment? (None) All right, back to the commission.

Commissioner Amyx: Just for the sake of this application we can come to an agreement on the commission that we could support this SUP except for the location of the towers proposed and we would recommend that a location 130 feet setback from the north. Can you tell me on this map approximately how far that would be from 910 East 21st Street, the northern property line of that property?

Scott McCullough:
Planning & Development
Services Director Commissioner Amyx, you say if it move ... if the tower was 130 feet south of north property line, subject property, what would that distance be to the closest residence?

Sandra Day:
Planner To the residential structure it's probably a little over 300 feet.

Scott McCullough:
Planning & Development
Services Director So it's 565 minus 90.

Commissioner Herbert:
Scott McCullough:
Planning & Development
Services Director I think that is one thing we need to know.
Sure, In terms of setback.

Commissioner Amyx: So from these houses, it's 450 feet or more.

Scott McCullough:
Planning & Development
Services Director 475.

Sandra Day: From the structures from the houses not from the property lines.
Planner

Commissioner Amyx: Okay, just checking.

Mayor Farmer: Other questions to staff? (None) What do we want to do?

Commissioner Amyx: Just to be honest with you, we've had opportunity to discuss this item. Obviously, you and I and the previous commission and we've received information from the planning commission and from adjacent property owners, do I think this is an appropriate site? I believe that this is the best site and best alternative that we can have to the proposed tower. My main concern has been if here again being no engineer and understanding a whole lot of that and the creation of the fall zone here, I think it's appropriate that we do what we can to make sure that in the event that this tower was to topple from the base that it's far away from adjoining properties so that it won't reach those properties. I think that even with the site being moved many feet to the south, I think 130 feet to the south. I think that it accomplishes that. That would be my recommendation and also to include the conditions that have been set forth to us landscaping and those of the planning commission.

Mayor Farmer: Other comments?

Commissioner Herbert: I appreciate Verizon's patience in this process. I understand that that commission before this one, which was 60% different than what you're looking at today, had some issues that have led this in conflict. I think we're talking about, as Rick Herd pointed out, we're talking about 90 feet and 9 acres. Now, I find it really hard to believe that we're going to walk away from a project for over 90 feet. My recommendation would be that we do everything we can to please every party involved. The reality is that Mr. Herd's client gets no benefit and does assume all risk. If we move it 90 feet, all risk goes away. He still gets no benefit but all risks goes away. If it's a matter of 90 feet, I would say we move the thing 90 feet.

Mayor Farmer: Leslie any thoughts? (None) Sounds like there's consensus to how do we need to word this motion?

Scott McCullough: We believe it would be appropriate to approve the SUP on first
Planning & Development reading tonight with a condition that the tower be located 130
Services Director feet from the property line but before we bring it back for second reading, that we work with the applicant on the site plan, landscaping and such, and bring that back for second reading.

Mayor Farmer: We're good. Very quickly, Mr. Holland, you had 25 minutes.

Curtis Holland:
Attorney-Polsinelli Law Firm Just a quick point of clarification with regard to the motion, I don't know if that could be moved or not but I thought it was stated 130 feet away from the property line. I think the concern is the building that might be that you could put it on the property that's a 130 feet away from the building. It may be not the property line maybe there's more flexibility that way. That's my only comment.

Commissioner Herbert: That would be fine. I don't mean to change your motion but I would be okay with 130 feet from the structure. If you got your property line, if we move it 130 feet from the property line, or probably, I don't know, 150 feet from the structure, there's no need to be that far and if it's a matter of obviously having some difficulty moving it with your client, at least we can ask them to move it better off it's going to be and so if we say 130 feet from the structure, that satisfies your safety concerns and minimizes your movement. I think that's a win, right? I would motion we move it 130 feet that we approved on the condition that it'd be placed 130 feet south of the structure.

Mayor Farmer: Okay? Is there a second?

Commissioner Amyx: The fall zone if it were to drop ...

Commissioner Herbert: If it drops, it comes close, but misses you, unless it grows on its way down.

Commissioner Amyx: That takes in the top and the whole deal, right?

Commissioner Herbert: Yup.

Mayor Farmer: Unless it grows on its way down.

Moved by Commissioner Herbert, seconded by Commissioner Amyx, to approve Special Use Permit, SUP-15-00185, Verizon Wireless LLC to construct a new communication tower, located at 2001 Moodie Road and adopt on first reading, Ordinance No. 9127, for Special Use Permit (SUP-15-00185) for Verizon Wireless LLC to construct a new communication tower, located at 2001 Moodie Road, subject to moving the communication tower 130 feet south of the structure. Motion carried unanimously.

The Commission recessed at 7:41

The Commission reconvened at 7:46

4. Considered approving the 2016-2018 agreement with the Lawrence Police Officers Association and the 2016-2019 agreement with the Lawrence Professional Firefighters, IAFF Local 1596, and consider authorizing the Mayor to execute the agreements.

Casey Toomay, Assistant City Manager, introduced the item.

John Darling, President IAFF Local 1596, presented the staff report.

Mike McAtee:

I'm proud to be the chairman of the Lawrence Police Officers Association which represents all the police officers and detectives on the Lawrence Police Department. Like the fire fighters we started these negotiations this year with Diane Stoddard. She took over as the Interim City Manager and I will tell you from the beginning, these negotiations have been extremely productive. They were interest-based bargaining which once Diane pass the reigns over to Casey Toomay it has been a breadth of fresh air working with the staff. Working with the staff, Chief Khatib and Captain Brixius. We had tough negotiations and we took the numbers based upon our peer cities. We looked at them. It was great to have Commissioner Herbert's insight. It's nice to be able to get another perspective when you're talking about what you think your members want. The city is talking about what they believe the citizens want and then you have another perspective. We had asked several years ago that we've had a commissioner on the negotiations and for our membership, it was wonderful. We're looking forward to doing that 3 years from now. Like most negotiations, I believe and our members believe that no party should get everything they want. This MOU is a good combination of salaries, benefits, working conditions that will provide good recruitment and retention of quality police officers and detectives within the city. With an eye on the fact that we understand that the city has fiscal restraints that the police department and the fire department and the other core services within the city all have needs and wants. Our members approve this MOU. We had excellent conversations during negotiations, after negotiations and up until the vote last night. What we would request is that you approve this MOU which sends a strong message to our members. It sends a strong message to the community, that core services are the heart of the city commission and lastly, we would like to thank Diane Stoddard, Casey Toomay, Lori Carnahan, their negotiations team and the chief and we would request that you approve our MOU.

Mayor Farmer:

Thank you, Mike.

Casey Toomay:
Assistant City Manager

I might add our thanks on behalf of the city to all of the officers here in addition to John Darlene. We have Nick Hoffman here, Dean Garrison and Erin Payne, he's working. Just like that a firefighter being on duty. Then from the LPOA in addition to Detective McAtee, Bill Bradford, Drew Fennelly and Ron Ivener. I also want to echo the thanks to Commissioner Soden, Vice Mayor Soden and Commissioner Herbert as well as County Commissioner Gaughan and echo again the thanks to other city staff that participated. I think Lori was very valuable to our team. There was Chief Khatib and Chief Bradford, Captain Brixius, Division Chief Stark and also Brandon McGuire helped

participate in negotiation. I think these guys said it best but I do want to thank them for their dedication to their members and what they've done on behalf of their membership and I'd also like to extend all of our thanks to all of the members that the men and women who were out there serving the City of Lawrence as part of the Lawrence Douglas County Fire and Medical and Lawrence Police Department. Thank you.

Mayor Farmer

Thanks, Casey. Public comment on this item. (None) We'll bring it back to commission. Casey, thanks to you and Diane for all the hard work. I remember us talking about this last year and it's been a great team effort. A lot of hours, I know and I remember when you were sharing how much time it took and ask what commissioners wanted to be involved, I bowed out at that point. Thank you guys for all the hard work that you did and Matt and Leslie, thanks to you both as well for all the time invested and I think we've got a good compromise here. Mike, I like what you said about where we're at and what we have. Other commission comments?

Commissioner Boley:

I'm very happy with the negotiating team with their responsible and respectable conversations. I also want to acknowledge that the membership is ratified. That's a very important component on it.

Mayor Farmer:

Other comment?

Commissioner Amyx:

I do want to thank everybody involved, the LPOA and the Fire Fighters Association. One of the things that you said about commitment to core services, I think every member of this commission has run for this job on the support of core services that we provide and we want to make sure as you all stated that this is our statement of being able to support men and women who are the first responders in everything that we do. We appreciate the hard work that you provide and all that goes along with it. I know there're times that it's not good but we appreciate that hard work and especially, thank our staff in helping put all this together. I appreciate the hard work that you've done and continue doing it on a daily basis. Sometimes, we don't say thanks enough but we appreciate that hard work.

Commissioner Herbert:

I'm honored to get to be part of it. I had the opportunity a couple of nights ago to do a ride along with Ron Ivener who is part of the negotiating team as well and Ron works at 8:00 PM to 6:00 AM and I rode with him and I tell you he earns his money that's for sure. One of the things I'm most proud of and obviously we haven't formally agreed to our budget yet but on our proposed budget, I'm very proud of fact that we're going to be able to present it to the public with no mill levy increase because I think sometimes, what happens is when we have a year where we give our core services the pay raise they

deserve and it also happens to be a year where we see a tax increase, a lot of the community immediately turns their eyes to them and puts the blame on them and, "Oh we're paying more taxes because our police officers are making a fair living." That's just when you're talking about a \$200-million budget to pin the blame of a tax increase on the people providing core services to our community, I think it's frankly wrong. I'm very grateful that we're going to be able to give our firefighters a raise, our police officers a raise at the same time do so without our community bearing any greater tax burden. I think that's a win for everybody in this room not just the people that were part of the negotiations.

Vice Mayor Soden

I certainly agree with all of that. Yeah. Jumping right into it after the election was a lot of fun. It's a really big learning experience. Casey, of course, did a great job and I was really impressed with her. The firefighters and their knowledge as well. It's really interesting. There are a lot of hours. I'm really glad it's a 4-year agreement, but thank you very much for all of your service.

Moved by Vice Mayor Soden, seconded by Commissioner Herbert, to approve the 2016-2018 agreement with the Lawrence Police Officers Association and authorize the Mayor to execute the agreement; approve the 2016-2018 agreement with the Lawrence Professional Firefighters, IAFF Local 1596 and authorize the Mayor to execute the agreement. Motion carried unanimously.

5. Received a request from Lawrence Humane Society for capital funding.

Kate Meghji, LHS Executive Director, presented the request. They were formally requesting a 50% contribution --\$2.5 million over two years-- from the City for this project, to match the typical intake numbers received by our facility as City stray animals.

Commissioner Herbert: Does Lawrence Humane Society currently generate any revenue through programs?

Kate Meghji: Kate: No.
LHS Executive Director

Commissioner Herbert: Is that a possibility?

Kate Meghji: I would love that. One of the things that is in our renovation plan and I think we've talked about is expanding our medical facility to have spaces where we could do things like that because I think over population is something we should be attacking on the outside as well as what's just in the Shelter.
LHS Executive Director

Mayor Farmer: Any questions for Kate? All right. Kate, thank you.

Kate Meghji: Thank you.
LHS Executive Director

Diane Stoddard:
Interim City Manager

Mayor, can I ask that you to address the issue of the County request and maybe the status of that? I think that they had made a request also to the County. I'm not sure whether the County has acted on that.

Kate Meghji:
LHS Executive Director

Yeah, so we've made a similar request to the County based on percentage is about 9% of our new intake so we've asked for 9% of the total project which is \$450,000 and they did not include it in the 2016 Budget. They did, however, increase our operational funding at the level that we requested so we're pretty thrilled about that.

Commissioner Amyx:

The funding options that you have. You mentioned either a loan, maybe a loan or a bond.

Kate Meghji:
LHS Executive Director

Mm-hmm

Commissioner Amyx:

You're not asking for a direct gift or grant to the Humane Society, correct?

Kate Meghji:
LHS Executive Director

In one of my discussions with the mayor, he had made a recommendation, a suggestion that that could be an option. I think that was not a loan to us. Jeremy, can you explain this a little bit better maybe?

Mayor Farmer:

Yeah. Just like a way for us to spread out the cost over a number of years as opposed to being an upfront one-year, two-year.

Commissioner Amyx:

A loan for us rather than a loan to do it, to the shelter?

Mayor Farmer:

Not necessarily a loan but just if we bonded it out over the course of 10 years, 20 years, whatever the life plan longevity of the building would be, because we're able to secure low interest rates than Humane Society would be, it would be an option for us to be able to fund that without looking at how do we find a million or \$1.25 million for the next 2 years.

Commissioner Amyx:

I just want to make sure that the loan option didn't mean payments were coming to us.

Mayor Farmer:

Right.

Commissioner Amyx:

Okay.

Kate Meghji:
LHS Executive Director

Happy to be sending money back before it at that point.

Commissioner Amyx:

Just want to clarify.

Kate Meghji:
LHS Executive Director

Any other questions? Thank you.

Vice Mayor Soden:

At the shelter as in the homeless shelter, Lawrence Community Shelter, didn't we do something where we somehow got the loan for them so they got a cheaper interest rate? Am I remembering that right?

Diane Stoddard:
Interim City Manager

I think in that case, what we did is we actually made them a loan at the shelter, but they were then repaying that to us.

Casey Toomay:
Assistant City Manager

We have their mortgage reassigned to the city.

Commissioner Amyx:

We bought a debt.

Diane Stoddard:
Interim City Manager

It was a smaller amount?

Casey Toomay:
Assistant City Manager

\$750 and they paid back a lump sum of 250 plus something.

Mayor Farmer:

Any questions to the staff or Kate?

Commissioner Herbert:

This question I guess would be for the staff or Kate or anyone who knows the answer I guess. Am I right that 20 years ago in 1995 when the current shelter was built the city was a 20% funding partner?

Diane Stoddard:
Interim City Manager

Yes. In our looking at the research of that going back to, I think it was 1995, there was about 20% and I want to say that was a 120,000 at that time. It's been a few years ago, before construction inflation.

Commissioner Herbert:

Rates were cheaper then.

Mayor Farmer:

Other questions or comments? Public comment on this item (None) Back to the commission.

Commissioner Amyx:

Time period at this project. Obviously, I've heard from Kate who says that things were breaking down by the day and we're going to have to come up with something that we're going to be able spend here. After being in hour after hour of study session over the last 8 or 9 weeks as we try to develop a process and come up with what we consider our priorities in the community. We've given some pretty strong priorities and I'm trying to figure out I guess where something that is obviously a vendor of our community. Nobody else provides the service where they actually fit in and what kind of resources that we have available and what all we can actually do. We've just gone through a

couple of hours of study sessions afternoon and mayor as you said that we're very fortunate not to be able to have a mill levy increase if everything goes well for next year, however it goes next week as we establish the higher end of the budget and we proceed to do a public hearing on that budget. I guess I would ask Diane as we consider this and I don't believe that we're going to have the ability to consider this or maybe a majority of the commission wants to consider this as part of the 2016 budget. I guess I would ask one thing because we do have one item at least, and here again just for myself, my place about ahead of everything else and that is the police facilities as being my top priority here. Discussing this item over the next several months, what kind of options do we have away from budget as we consider things like this? Can it only be considered at budget time?

Diane Stoddard:
Interim City Manager

Outside of the budget process?

Commissioner Amyx:

Right.

Diane Stoddard:
Interim City Manager

I think, Commissioner, we can certainly look at those options. I think one of the things that we would do and we'll be preparing some options for you to look at, but we could certainly do as the next step is maybe our legal abilities regarding issuing debt for projects that we don't own. I believe we would want to make sure that we look into that and see whether that will be a viable option or not and what some of the other options are. Staff can certainly come up with a report on what some of the possibilities would be but I agree that you can look at that outside of the budget process whether that means looking at something for the 2017 budget, discussions about that. We could certainly do that.

Commissioner Amyx:

Along with that, one of the things that I've always felt very positive about is that we as a city have not had to be, for lack of a better word, the dog pound business and I think that we've been very fortunate to have the folks from the Humane Society and all the volunteers and I mean they're volunteer hours. We couldn't even think a buy-in to be able to operate this. I think as we look at potential funding options I think that we need to take into consideration also where we would be if we had to provide this service and what that cost might be because I think it would probably get all of our attention very quickly. That's just one of the things to bring up, as part of that.

Diane Stoddard:
Interim City Manager

I completely agree with you, commissioner, on that end and in talking with Kate about that before I think that the city has a tremendous value in this partnership having worked in other communities that run animal shelters. Getting public support when it's a city entity is very difficult. I thought the information

that she provided about the comparison was useful but I would agree with her remarks and your thoughts about that, that it would be a very expensive operation and it's also an expensive building type. Sometimes people don't think about it, but it has to be very clean, the building materials have to stand up to tremendous amount of water and chemicals and things that are used to cleaning and so it is a type that it is an expensive building although some people not think of it that way. I think it's definitely a valuable partnership. I would have to look at the numbers that she put together but I think looking at what a city like Champaign spends, is probably close to what we would have to do if we have it in operation.

Commissioner Amyx:

\$550,000, for the operations on having municipal shelter and I think that those are just real numbers. I think that we need to understand that. As somebody that was commissioner in the good old days, where we used to fund the Humane Society, I guess I'm going back in the early 80s before you were born. Probably in the amount of \$40,000 to \$50,000 and I remember when it jumped to like \$80,000 and then \$200,000 and it is amazing just to watch, so I can see what's being provided is something that is of a real value to us. Magically, I can't make money appear at all. I think that there are options that we can look at.

Mayor Farmer:

Any thoughts?

Commissioner Herbert:

Yeah. I think I may be wired a little bit funny or something but a lot of people look at the Humane Society and they see cute puppies and I look at it and I see like some really good money-making opportunities there which I realized makes me a bad person. I'm going to live with that. I think there's some opportunities there and I'm not about to tell you go raise all \$5 million selling dog leashes or anything like that. I'm not going to tell you that. What I'm going to say is Kate and I was speaking when I took a visit. That property sits on, what, 4 acres? Not a month ago, we had a group come before us and talk about how this community is just dying for another dog park. Man, I wish we had 4 acres devoted to animals somewhere that we could make you sell, right? I did a little research into this and there're a lot of Humane Society type venues across the country that are doing discounted spaying and neutering programs. It's incredibly expensive to take your pet to a vet. If we could offer that service for cheaper but certainly not free. We're talking about ways of generating revenue, if we can convert some of this 4 acre property into an after-hours dog park. We could talk about the opportunity that this sell passes. You're certainly not charging people who aren't using it but people that want to make use of it. Sell them a yearly pass and all of a sudden, I see all these opportunities at revenue potential. People love their pets. They'll do a lot of things for their pets and they'll

spend a lot of money for their pets. I spend a lot of money for my pet at the Humane Society when I bail her out frequently. When you live next to Henry T's and the waitresses give your dog free chicken wings, your dog runs away a lot. I think there are opportunities for some revenue to be generated here and so here's a little some kind of crazy head math I did here. My numbers are probably wrong. Boley, you got to back me up on this if you actually got out of high school math. \$3.75 million remains, if we break that up amongst 4 contributors, if we look at the city, if we look at the county because we're not letting them get out of this. I'm sorry but they're not. If we look at the private sector which you rely upon very heavily for your client, I understand and if we look at the opportunity of generating revenue. If you take that \$3.75 million remainder and you divide that by 4, that puts each of those 4 entities at a \$937,500 responsibility which at the \$5 million cost of the building would leave the city paying 18.75% of the original cost which almost perfectly aligns with our historical donation to the group in 1995 when we're getting 20%. How about that?

Mayor Farmer: The only thing I could think of as you were saying that was they give out free chicken wings at Henry T's. That's the only thing that I was thinking about.

Commissioner Herbert: You're lost on the free chicken wings.

Mayor Farmer: You did lose me on free chicken wings, that's for sure.

Commissioner Herbert: The thesis of that rambling was that I would suggest we figure out a way to get \$937,500 to close this budget.

Mayor Farmer: Other thoughts?

Vice Mayor Soden: It's definitely a vendor relationship that we have and it's very important and as someone that works with animals for a living and I fostered animals as well. That's a great place but it definitely needs some improvement. I do know that the Topeka Shelter, when they upgraded their facility which was just awful, they actually renovated their old buildings where they moved in. They made everything in a much sociable way which I don't know if they're looking at, but it certainly would increase the adoption rate than we would have coming out of there because right now it's very old school. I think that could be really great for everyone. I'm really excited to participate in some way whatever way we decide.

Commissioner Boley: I enjoyed my tour. I really appreciate it. It was great to see how things work out there. I'm convinced that the renovation is needed. Right now, I'm also interested in operational improvements that will make the process for picking up reclaiming pets easier. One thing that I'm interested in, is

finding out whether the city fees can be collected by the Humane Society so that they can just transmit those fees onto us. There may be some other things that we can do in that area. When we talk about borrowing money, we borrowed a lot of money in the last couple of years. Any evaluation of bonds should include some analysis of our current bond levels and where they are in relationship to our history. It seems kind of easy to say let's float a bond but they add up. It's really not an easy answer. I really appreciate the work that the folks at Humane Society do. You do a great job and you're working in very difficult conditions. We just ratified agreement with the LPOA. The LPOA officers, we have unfinished business there too. We need to come up with a police facility and that's my priority. I think we have to really say what we are going to do on that issue before we take on another renovation or that kind of thing. We can't stop everything but when we talk about borrowing money, I think we need to talk about the police facility first and with all due respect, Kate, you need it and we want to try to get it for you, but we got to deal with our issue first.

Mayor Farmer: I think probably the best thing to do would be to direct staff to ... It sounds like there's at least two of you interested in that 937,000 chicken wing number you came up with. I saw you nodding over there.

Commissioner Herbert: Matthew: How about a fund raising at Henry T's?

Mayor Farmer: That's fine but it's to direct staff to work on some different funding mechanisms to see what we might be able to do. Actually, I spoke with you guys today and we've got a lot of things pulling at us in relationship to things that we have to address and they're all good. They're all good projects. We sat right down earlier today and we're trying to figure out all of the social service agencies and non-profits that had given us funding requests and a lot of them a big goose egg next to their name. We have another conversation coming up with our friends with the shelter next and so ... you have a shelter, the one who does people and not puppies. There are a lot of things that we have to study and look at and I think just the fact that we got our commission, seems to me anyways are open to have that conversation kind of parallel to all the other stuff that we have to look at. It is an appropriate thing to ask staff to look at some various ways that we might be able to partner with the Humane Society to maybe have some conversations with the county since they're not participating to find out what their participation plan is? Then does it sound like an appropriate direction to staff?

Commissioner Amy: I think we can look at just about anything but understand the police facility I think is...

Mayor Farmer: I totally agree with you on that, Mike. It's our number 1 priority and the most important issue I think facing us.

Commissioner Amyx: We've got a vendor responsibility.

Mayor Farmer: Right.

Commissioner Amyx: I want everybody to understand that. That's why my heart's killing me. I should never go look at those puppies. I always end up with a new dog.

Commissioner Boley: I got 2 of them

Diane Stoddard:
Interim City Manager Yes. We'll be happy to prepare that. Would it be okay with the commission if we did that sometime in the August-September timeframe?

Mayor Farmer: Yes.

Commissioner Amyx: We have to get the budget down first.

Diane Stoddard:
Interim City Manager We would like to get the budget done.

Mayor Farmer: Sorry. All right. Thanks, Kate, for all the good work that you and your staff do and we're very grateful and appreciative. We get a good bang for our buck and we know that. Keep on keeping on with failing air conditioners and everything and we'll see what we can do about that to get you guys some help.

6. Received a request from Lawrence Community Shelter.

Mayor Farmer: The last item on our agenda is to follow up on conversations with the Lawrence Community Shelter and what we want to do. I may just save you guys from having to say anything. Let me just throw out an idea. You guys directed me to have conversations with our friends at the county. I did have conversations with several of our electives there. Last Wednesday morning, gave the shelter \$50,000 in emergency funds, not as a match, but just emergency funds. They directed Craig Weinaug to serve as an ex-officio on the Lawrence Community Shelters board. They also made all of that, quasi contingent upon our participation in providing some assistance for the shelter. I'm just going to throw up an idea for consideration of the commission and then if we have any questions for Drew or John or Joe or anybody else, John or John to the John's. Stuart mentioned and had a great idea last week about a match. I think is an incredible idea. What the county has done is they've essentially taken \$50,000 and said we'll provide that. The city needs to participate. Stuart's idea of having the community participate and we kind of have 3

out of the 4 legs of the stool that you were just discussing. On public participation of the city county and private partners. We have those 3 legs. I talked to John Tacha who's the vice chair of the board and asking what their mailing list was and how much maybe we could help participate in that and if they did a donor letter to their 2700 households at a very low cost, it would be about \$1100 to do that in order to get the match. What I would propose is to provide the shelter with a match of up to \$50,000, cover the mailer, the cost to the mailer, \$1180 that we would have Stuart serve as an ex officio board member which I've talked to you and you've agreed to do so long as ...

Commissioner Boley: If I'm asked.

Commissioner Farmer: Yeah. If we direct that to happen and then for us to direct the shelter and work with the shelter on a strategic plan to where they would come back with us hopefully by the end of the year to where they would not be coming to us for funding request in the future of an emergency nature ever again. That's my proposal. In conversation with folks at the shelter and they would get them what they need to get them through. It provides accountability to community. Stuart's great with numbers. He works in non-profits. It seems like a good fit. We'd be a part of the strategic planning process and we'd help engage and leverage private dollars for to coordinate with them. That's all I have to say. Any questions or thoughts on that? Do you have any questions for the shelter? I know that they presented last week.

Commissioner Boley: Jeremy, did you identify the \$50,000 funding?

Mayor Farmer: The 3 options provided by staff were general funds, special alcohol fund or the housing trust fund going back to our fund balance from today, I'd be very leery of touching the housing trust fund, the special alcohol fund has a fund balance projected of \$115,000 and I think we might be able to just take it right out of there.

Commissioner Herbert: Mayor, can we have a discussion about just kind of open amongst all 5 members here about specifically why you're unwilling to touch the housing trust fund? From my point of view, we're talking about a fund that's had \$100,000 in it for a period of 10 years. That money is specifically for the purpose of housing for people who cannot on their own get it which to me kind of aligns with the community shelter for people without housing. We received email from Justice Matters. I know that they oppose using that money for that purpose but given that we have identified as a commission, no purpose for that money as of yet. I think I would entertain some conversation on that at least.

Commissioner Boley: I guess my take on that, Matthew, is that there are plans that are being developed around that \$100,000 balance and I think it would be a good idea to essentially say that we could go along with their request to do that with the idea that they will help in the fundraising campaign for the shelter. Justice Matters can condition some good things in this area as well as in the housing trust fund. I think it's worth a try.

Commissioner Herbert: The plans that we have before us for that \$100,000 are purely hypothetical in nature and this is not hypothetical. This is a man who told me a week ago that he was going to begin firing people tomorrow. That's real. That's not hypothetical. Our job as commission is public safety and its infrastructure, serving our community and sometimes, we get really excited about economic development and we get really excited about million-dollar of this and million-dollar of that but that's not our entire community. We have people in our community that need our help today, not hypothetically but in reality right here. We just talk about \$5 million to help puppies. I'm looking at \$50,000 or a \$100,000 to help people. We're talking about a shelter that brags about an 87% survival rate. We have a shelter here that can't put people down. That's not an option. Their reality is 100% survival rate every day and they're asking for a \$100,000 that we have sitting in a fund and have had sitting in a fund for 10 years. If we're going to spend that money, that 5 commissions before us would have spent that money and we can hypothetically talk about spending that money for the next 10 years and maybe in 10 years from now and when the community has long kick me off the commission that would have grown to be \$130,000 but it's 100 and some thousand dollars right now which happens to align perfectly with what this group needs today. These are real people with real needs.

Vice Mayor Soden: I think if we didn't have another source of funds perhaps we could talk about but I think the special alcohol fund is an appropriate source of the funds for it and if we have some reserve balance for it, I think that's a good idea.

Commissioner Amyx: Matt, did we not ... I won't say kind of agree but that's the best words kind of agree with Justice Matters to look at a program that they're going to bring toward on being able to use the balance that's left in that fund?

Commissioner Herbert: That wasn't what I walked away with that meeting feeling. I walked to that meeting feeling that we had a recommendation that it be used for a study similar to Austin, Texas which was going to cost us the balance of it and I'd be real honest with you. I'm going to be very vocally upset if we spend that \$100,000 on a study.

Commissioner Amyx: Didn't we decide as a commission we were not going to do a

study?

Vice Mayor Soden:

Yeah. We decided not to do.

Commissioner Amyx:

That we were not going to do a study that we were actually going to invest in a project of sorts that they were going to bring forward. I won't vote for a study. I just won't do it after hearing everything that was brought up. At this point, I think the Special Alcohol Fund is appropriate for this particular use. I agree with you that money has sitting for 10 years, why I didn't spend it, I don't know. It wasn't until about 4 weeks ago that I found out that it was there. I can't tell you why it wasn't spent in the past. I think that there were projects that came forward, but I was under the impression that the request from Justice Matters that came forward was to use that money for specific projects and not a study and I thought that every member of this Commission said that it would not be used for a study.

Commissioner Herbert:

If we're intent on spending \$100,000 with Justice Matters for their program which we have yet to see and is purely hypothetical right now, what would stop us from using the Special Alcohol Fund for that program?

Vice Mayor Soden:

The Special Alcohol Fund has a specific statute attached to it that would normally be used for a drug and alcohol prevention. I think even though you might be able to make a stretch of an argument that transitional housing could ultimately lead to that.

Commissioner Herbert:

I don't think that's anymore of a stretch than watering flowers on Mass Street with guest tax money. We stretch up all the time, that's what a Commission does.

Vice Mayor Soden:

We put the WRAP fund in there and that's definitely a very direct line.

Commissioner Herbert:

We can move a tower 90 feet, we can make this happen.

Mayor Farmer:

It sound like there's consensus. Are we okay with the \$50,000, Stuart serving as an ex officio on the board.

Commissioner Amyx:

That's up to \$50,000. So it's a dollar for dollar match. Do we have any public comment from our friends at the Shelter?

Commissioner Herbert:

I guess it's a common sense question in term of if you were to pass that tonight is that million dollars that are raised starting tomorrow.

Mayor Farmer:

I would say so.

Matt

I think we just need to define that a little bit.

Commissioner Boley:

We're hoping that will empower your board and be a help to you

in your fundraising campaign.

Commissioner Herbert:

Can I clarify real quickly? My understanding, the last time you spoke before us was that layoffs were starting tomorrow and I can promise you that mailer's not going out today. Where do we stand on it? That's where I come back to that money that's literally sitting in our hands right now and we're telling them why you guys don't go play hide and seek with some money that might exist, while we're holding the money in front of you. That's my concern is that are people getting laid off tomorrow because of the action we're taking here today?

Trey Meyer:
LCS Director
Program Development

No, not with the commitment of funding from both the County and now from the City that gives us a little flexibility.

Commissioner Herbert:

The commitment from us is not a solid commitment. It is up to \$50,000. You could literally get nothing from us.

Trey Meyer:
LCS Director
Program Development

Mathematically that's possible. I guess you're a math Commissioner now.

Commissioner Herbert:

No, I'm not the math commissioner.

Trey Meyer:
LCS Director
Program Development

Theatrically that's possible and I want to be very realistic about where we stand and what we see happening going forward, but we really do believe with the ability to go public with this matching opportunity that we're going to raise that money. I can say the board and staff are highly, highly energized to make that happen. I'm very optimistic that we're going to raise \$50,000 and take advantage of that match. I believe that will happen. With the County money, the influx of the County money we basically bought ourselves at least another month and a half. We're operating at full capacity and that's what we really need was that time to stay open, to stay fully staffed, to continue offering all the services that we're offering, buy ourselves that time and get out and raise this money and take advantage of this match. We appreciate more than we can tell you, you thinking through with us and coming up with solutions that worked for the City and for us. Would I rather have the money in the bank tomorrow morning? Absolutely, but we live in a world of compromises as we've seen on many examples tonight. We're going to be able to make this work so it's not perfect, but we're going to make it work.

John Magnuson:
LCS Board

We do have some concern that this fundraising effort in order to leverage City matching funds, may cannibalize some of our end of the year holiday fundraising. Donors may be less likely to donate twice, so that is a concern, but it's challenge that we think we could meet with the board being as fully engaged as

they are. Certainly with Commissioner Boley's help in financial planning for next year, that is a concern, but I think it's one that we can deal with and with the time this funding will buy us, we'll be able to plan for that.

Joe Baker
LCS Board

Board member. Procedurally I would like to ask you if for example, in September we raised \$25,000, can we present that to the City and receive that \$25,000 at that point.

Commissioner Boley:

That would be my preference. I don't think we want to wait on the whole \$50,000 before we cut you a check. It's up to \$50,000.

Joe Baker:
LCS Board

I understand that, but having it come in as we raise the funds, makes our jobs much easier.

Commissioner Boley:

Yeah. I would really want us to be doing that.

Diane Stoddard:
Interim City Manager

Commissioners, if I can make a suggestion? Maybe a way to do that then would be to have them do a report to us every month on the monies that are raised and then we could pay that out.

Commissioner Boley:

Let's do it every couple of weeks Diane, if we could do it that way. We do checks once a week.

Diane Stoddard:
Interim City Manager

We're just trying to make it logistically as easy as possible for everybody, I think. We'll just need the appropriate documentation from you all. I think that we can work through those logistics.

Commissioner Amyx:

I do have a question. Something you had said just a minute ago, that this money was going to help you stay at full capacity for the next couple of months. What happens after that?

Joe Baker:
LCS Board

Well I intend to raise the funds necessary to stay at full capacity for the rest of the year. The only reason I said that was because we had submitted some plan to the Commission, previously that showed cutting staff and going through a variety of scenarios with the funding from the County and this commitment from the City that's going to allow us to continue operating full steam ahead for the rest of the year. With the money from the County coming in, I would assume fairly quickly, then we don't have to make any cuts in the short term, we don't have to start laying off people tomorrow as we had considered. We can continue running full steam ahead and then as these monies that come in that we're able to match then we'll just keep right on truckin' to the end of the year.

Commissioner Amyx:

So that gets us to the end of 2015.

Joe Baker:
LCS Board

That's right.

Commissioner Amyx:

Do we start all over again?

Joe Baker:
LCS Board

Well, that's a part of the process and with Commissioner Boley's help and input from all of our board, then we're going to continue budgeting and fundraising, the grant writing process right into 2016 and not have to come back here and ask for this, this time next year.

Diane Stoddard:
Interim City Manager

Mayor is it the intention of the Commission for the match monies that are raised in donations by the shelter to be in addition to those that are on those projections here or would this count toward that match? I just want to make sure that all of us are on the same page.

Mayor Farmer:

My sense is that they will count.

Commissioner Amyx:

Run that by again? What are you asking Diane?

Diane Stoddard:
Interim City Manager

I just wanted to make sure that they have donations projections that were on their sheet and I just wanted to make sure that the match donations that we're requiring from the \$50,000, can be inclusive of those. I'm getting shaking heads and that's why I just wanted to verify. I wanted to make sure they weren't required to be in addition to those.

Moved by Vice Mayor Soden, seconded by Commissioner Boley, to direct staff to work on a strategic plan for the Lawrence Community Shelter to eliminate future funding requests; participate in funding for up to a \$50,000 match from the special alcohol fund, bi-weekly; cover the mailer costs for donations; and nominate Commissioner Boley as ex-officio for the Lawrence Community Shelter.

G. FUTURE AGENDA ITEMS:

Diane Stoddard, Interim City Manager, outlined potential future agenda items.

H. COMMISSION ITEMS: None

I. CALENDAR:

Diane Stoddard, Interim City Manager, reviewed calendar items

J. CURRENT VACANCIES – BOARDS/COMMISSIONS:

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

Moved by Commissioner Boley, seconded by Vice Mayor Soden, to adjourn at 9:01 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON NOVEMBER 10, 2015.



Brandon McGuire, Acting City Clerk