



City of Lawrence

CITY COMMISSION

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September 29, 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 Amyx presiding and Commissioners Boley, Herbert and Vice Mayor Soden present.

A. RECOGNITION/PROCLAMATION/PRESENTATION:

1. None.

B. CONSENT AGENDA

It was moved by Vice Mayor Soden, seconded by Commissioner Herbert to approve the consent agenda as below. Motion carried unanimously.

1. Receive minutes from the Community Development Advisory Committee meeting of 04/23/15, the Lawrence Douglas County Bicycle Advisory Committee meeting of 08/17/15 and the Public Health Board meeting of 07/20/15.
2. Approve claims to 153 vendors in the amount of \$2,476,805.34, and payroll from September 6th 2015 to September 19th in the amount of \$2,111,751.82
3. Approve Drinking Establishment License for 715, 715 Massachusetts Street, as recommended by the City Clerk's Office.
4. Approve appointments as recommended by the Mayor.

Hospital Board: Reappointed Rob Chestnut and Gina Pacumbaba-Watson to additional terms that would expire 09/30/19.

Housing Advisory Committee: Appointed Tim Stultz, Highland Construction to a term that would expire 12/31/18.

Human Relations Commission: Reappointed Nicole Humphrey and William Welch to additional terms that would expire 09/30/18.

5. Bid and purchase items:
 - a) Set bid date of October 20, 2015 for the 2015 Weatherization Program – Bid No. 1549 Storm Windows, Bid No. 1550, Weather-Stripping, and Bid No. 1551, Attic Insulation.
 - b) Authorize the purchase of a Millipore laboratory water system for the Kansas River Wastewater Treatment Plant Administration Building, from Fisher Scientific, for the amount of \$57,271.88, utilizing the State of Kansas contract.



- c) Authorize the Interim City Manager to execute the Engineering Services Agreement with Professional Engineering Consultants, in the amount of \$38,747, for Project No. UT1511 - Iowa Street Waterline Replacement.
- 6. Accept the Consolidated Planning Grant funds, to conduct a Comprehensive Transit Operations Analysis and a Bike Share Feasibility Study and direct staff to issue Requests for Proposals to complete the proposed planning work.
- 7. Authorize staff to advertise RFP R1509 for Design Phase Engineering Services for Project No. UT1513 - Sanitary Sewer Main Replacement, Naismith Drive and Crescent Road.
- 8. Approve as signs of community interest, a request from the KU Biodiversity Institute and Natural History Museum, and The Commons at the University of Kansas, to place directional signs at various locations for a "Walk [Your City]" promotion, from September 30 through December 7, 2015.

C. CITY MANAGER'S REPORT:

Toni Wheeler, City Attorney, presented the report.

Brian Kidney, Finance Director, discussed the August 2015 Monthly Financial Report and the September 2015 Sales Tax Report.

Vice Mayor Soden: I have a question.

Mayor Amyx: Sure.

Vice Mayor Soden: The cable franchise fees.

Bryan Kidney:
Finance Director: Yes.

Vice Mayor Soden: Are any of those from the fiber projects that we have a couple contracts on, or is that just Cable TV?

Bryan Kidney:
Finance Director: That's specifically on the franchise fees that we have an agreement with. A third party utility party provider that we have utility with.

Vice Mayor Soden: You were saying they were up, so I was trying to figure out why they were up.

Bryan Kidney:
Finance Director: Well, again, I think if people talk about their cable bills. I think we're seeing fees overall in that side of industry up a little. I know, I mean, personally, it just seems like it's up. I don't really have a good answer on that specific ...

Vice Mayor Soden: Better they're up than down. Thank you.
Bryan Kidney: Yeah.

Finance Director

Mayor Amyx: Any questions? Bryan I do what to say one thing, well, ask a question. Regularity is going to be monthly in the report?

Bryan Kidney: Yeah, this is a monthly report.
Finance Director

Mayor Amyx: I think this is one of the best pieces of information that we're able to provide to the public. They have the opportunity to see their tax dollars, both sales and property, and any other fees that they may have. Be able to track them through the expenditure cycles that we go through during collections times or whatever. This is a great piece of information for everyone involved in government, and the public as a whole. I think these are tremendous.

Bryan Kidney: Sure, and these will be posted on the finance department page. Also, starting next month, I'm looking over at Ashley, our senior accountant. We're going to have all of our funds on the page. You'll see year to date, not just for the budget funds, but you'll see the detail for all of our funds. When I come back next month on a monthly report, I'll jump into that. Show that a little bit or you can find that on the website.
Finance Director

Mayor Amyx: Thank you.

Commissioner Boley: Thank you very much.

Toni Wheeler: Very good. Thank you. The next item on the report is a new rental licensing map that the planning and development services department has published. Scott, I don't know if you have any comments to add.
City Attorney

Scott McCullough: I think we tried to set it up so it speaks for itself. I'd be happy to answer any questions or comments on that.
Planning & Development Services Director

D. PUBLIC COMMENT:

Steve Maceli: I read the Journal World and I unfortunately thought tonight was the night to comment on the candidates. I have been told that that is Thursday, but I am not able to come on Thursday. I've written a letter, and I didn't know if, for the record, you would like me to save time and just hand the letter to you. Or if you'd like me to read it right now.
Local Business Owner

Mayor Amyx: If you would like, we'd be happy to take the letter. We'll include it into the record.

Steve Maceli: I'd also like to thank you for the beautiful job you did on my

Local Business Owner street, on Illinois, and for the wonderful intersections on Iowa. They're wonderful.

Mayor Amyx: Steve, we appreciate that.

Steve Maceli:
Local Business Owner Thank you.

Mayor Amyx: A lot of great work done in town this whole summer and fall.

Steve Maceli:
Local Business Owner That's great. Thank you.

Mayor Amyx: Thanks for bringing that down. Candice

Candace Davis: Good evening. I'm here speaking on behalf of myself. I have been involved in city and neighborhood politics, for probably 17 years, which is a long time. I just wanted to reiterate my feeling that I believe this commission, the city commission seat that will be filled should be filled with someone who has spent time working in city government and understand the complexities and the different departments. It really is a pretty large learning curve. The other thing, I think, that is really important to always keep in mind is that you think about a candidate who is able to see a really big picture, not just one particular area or one particular strength. I think our community has a lot of needs, but without seeing the big picture of the many segments of the community, I think you will lose out in establishing a city that has a really high quality of life. Good luck. I know this has been difficult, but I will certainly honor your decision. Thank you.

Mayor Amyx: Thank you. Other public comments? Okay, thank you all.

E. REGULAR AGENDA ITEMS:

1. Receive recommendations from the Advisory Committee on the City Commission vacancy.

Mayor Amyx: The first item on the agenda is to receive the recommendations from the advisory committee of the city commission vacancy. Just, very quickly, we kind of all, several weeks ago, got into a situation where we really ... I would have to say, running by the seat of our pants in a lot of ways, in that we didn't know exactly how we wanted to do this. Well, we kind of knew how we wanted to get there. We received great advice from our city attorney and our entire staff that was involved. In making sure that, number one, we followed the law. We were told, at times, what we could do, what we couldn't do. That's extremely important, that we had great legal staff in being able to help us do that. Second of all, it was something that was important to this commission that this was going to a very open process and

that people who wished to come forward and be considered were going to be given the opportunity. They were going to be considered equally everywhere. One of the things that we thought was important was being able to have a citizens' committee be able to do a lot of our work. I'll call it a lot of our work. They had taken the opportunity. We had 14 great people step forward and wanted to be considered for this job. That's impressive, that speaks volumes about our community, people that want to be involved, but it also speaks volumes when we have 12 people that we were able to call and say, "Folks, would you be willing to serve on a committee?" They came forward and said, "Now, we don't know how much time that you're going to involved in doing this, but we're going to give you the opportunity to give you most of your September." That's not a problem, you just call them and ask them and here they come. No, we had 12 people who come forward and handled themselves very well in considering probably the toughest decision of our time here. Any time that you're in a situation where you're filling a vacancy on this board and asked to be involved with that, that's a tough deal. The thing is that you're making decisions and recommendations about folks who have come forward and want to participate. In the end, there can only be one. There can only be one. The job that our advisory committee did was extremely fun to watch. Number one, they did a great job. I mean they really did. It was fun to watch professional people sit down and handle something in a very professional way. Ask very good questions. Make sure that they understand the questions of all the candidates. They did a great job in just the way that they handled the situation. This is tough, this is tough. I realize that when it comes time to make the decision there's times that that's got to be a little bit rough. I want to thank each and every one of you on behalf of this commission and on behalf of the entire community, your willingness to step up and do this job and do it on behalf of this community. Then you go the second part. The commission gives me the opportunity to visit with Joe Harkins the chair. Joe, I want to thank you for the job that you did along with the committee members in really bringing this home. I think one of the things that you all provided us were candidates, six candidates, who any one of whom could be a tremendous commissioner. We appreciate that. For the folks who weren't recommended, I think that there are opportunities to serve. I want everyone to understand that. I would hope that, as you look at considering positions at city hall, some of the candidates here that I was able to visit with earlier, I would hope that you all would be willing to step up. Be willing to serve on one of our various boards. You have shown each of us that it is so important to have good people come up and want to do part of this job. Or all of this job. In this case, only one's going to get do all of it. Everybody, the others, we have places for people who want to get involved. Thank you all very much for that. I do want

to thank, too, another part of the community that came forward, that is the Voter Education Coalition. You know, we asked to have forums set up and the Voter Education Coalition with Patrick Wilbur and Scott Crique and Julie Hack. I mean those folks, they set up and they know how to do this. They know how to answer or ask the hard questions. We get good answers to very hard questions so a special thank you to the entire Voter Education coalition. Thanks to all of our staff who were here and involved with every part of this. Any other comments at this point?

Vice Mayor Soden: On the back of everyone's agenda, there should be advisory boards and the ones that have vacancies. Definitely review those. I guess you just send an email to Bobby. Is it on there, on the bottom of the page?

Mayor Amyx: There's an application form on all our various boards. Don't worry. If you can't figure that out, just give me a call. I'll come pick them up. Anyway, gentlemen, do you have anything?

Commissioner Boley: I think also thank you to Tabitha Mills.

Mayor Amyx: Oh yeah, Tabitha Mills from Channel 6.

Commissioner Boley: She did a great job.

Mayor Amyx: Great job. Thanks for the ... Receives our thanks, okay?

Commissioner Herbert: It brought back nightmares from last week April.

Vice Mayor Soden: I watched all four hours on my computer, which is a great service, by the way Megan, the streaming. It worked great.

Mayor Amyx: Joe, on behalf of the committee, do you have any comments?

Joe Harkins: Just a couple of comments, Mr. Mayor. First, I want to personally thank you for appointing me on the committee. Secondly, I want to thank the other members of the commission for their appointments of outstanding people. It was truly an unusual and easy group to work with. I would love to introduce them, if I could, Mr. Mayor.

Mayor Amyx: Please.

Joe Harkins: Just so you all get to know them. Here they are. They're not all here tonight, but most are. If they would stand up when I call their names, I'd appreciate it. First Tom Christie; Second Dennis Constance; Michelle Fales; Representative Boog Highberger; Joanne Hurst; Shirley Martin-Smith; Brenda Nunez; Mark Preut;. Dustin Rimmey; Njeri Shomari and Melinda Toumi. Those are the ones that are present. Mr. Mayor, believe me, they did a

great job.

Mayor Amyx: Okay.

Joe Harkins: I congratulate the six finalists. We don't have that forum. I think your attorney has the forum tonight to present to you the formal forum for the six finalists.

Mayor Amyx: Okay.

Joe Harkins: We want to extend our congratulations. The committee also felt very strongly and will be sending a message to the other candidates. The essence of the message will be that we felt like we had met several new future leaders in the community in the process. We wanted to encourage them all to stay involved and active in local government affairs. That is an important to the outcome of this process, I think. We like to thank the staff, the city staff, the Voter Education Coalition, especially Toni Wheeler for her outstanding support that she gave our committee. Thank you.

Mayor Amyx: Okay, and Toni, you are, you do have the recommendation of the committee?

Toni Wheeler:
City Attorney: Yes, I do have it and it is posted on our website with tonight's agenda.

Mayor Amyx: Okay, so would you like to go ahead and give the recommendations of the advisory committee at this time?

Toni Wheeler:
City Attorney: Sure, I can read the report. It says, in accordance with resolution number 7138, the advisor committee on the city commission vacancy met and conducted a public forum to select not more than six candidates as finalists to fill the vacant city commission seat. At the conclusion of the public forum, the committee voted to forward the following names to the city commission, Scott Morgan, Lisa Larsen, David Schuaner, Joe O'Brien, Terry Riordan and Karl Watson.

Mayor Amyx: Okay. From our resolution established, remind the public and the commission of our requirements here. We have the opportunity to interview six or any portion thereof.

Toni Wheeler:
City Attorney: That's correct. Under the resolution that was adopted by the commission earlier this year, after the advisory committee forwarded their report. Then you are to decide tonight who you wish to invite back to interview at a special meeting of the commission Thursday, October 1st at 5:45. You can select from the pool or from the six that were recommended by the committee or from any members that submitted applications and qualified for the position.

Mayor Amyx: Okay. Any other things we need to remember in all of that? Any other items we need to remember in all of that?

Toni Wheeler:
City Attorney You will also, tonight, determine what questions you would like to ask the committee or the candidates. The resolution does set forth the procedure for that meeting, which will allow each of the people that are invited to the committee to make an opening statement of two minutes, to then answer the questions. Then after that, you all will deliberate and narrow the pool to one or two for a final vote by the commission on October 6th.

Mayor Amyx: Okay, well after reviewing the individuals' applications again, the vice mayor and I and our colleagues to the left, I know that we've all reviewed the forums, probably multiple times and the questions. I would strongly recommend that we invite, because of the quality of the individuals that we have, to invite all six to participate in this process. I think we need to hear from these folks and be able to get their answers to questions. Here, again, I think the committee did a great job in giving us a very hard decision, by sending us six folks of the quality that they are. Thank you. Any feelings about that?

Vice Mayor Soden: I think six is great. We should look at all six of them.

Commissioner Herbert: It honors the integrity of the committee process to not alter what they've given us.

Mayor Amyx: Okay, I agree. Well, why don't we ask if there's any public comment on this at this point. Don't any of you leave quite yet, okay? Please? Okay. Is there any public comment on this item? Okay. Well, just one comment before everyone gets up and runs. I do want to thank the commission candidates for, again, your willingness to step forward and want to go through the process. We're going to give you the outline of the rules and what it's going to be. You're going to have that to think about for the next 48 hours. It will be fun. I'm actually, really looking forward to this.

Commissioner Herbert: It's because you're not running.

Mayor Amyx: Oh, that's right. That's right. It's great.

Commissioner Herbert: It's a miserable experience when you're on the other end, Mike.

Vice Mayor Soden: It's nerve wracking.

Mayor Amyx: Do I know?

Commissioner Herbert: You been through this before?

Mayor Amyx: Oh, I have. Oh yeah. Okay. The other things that we need to do, then, since there is no public comment this evening. We need to establish what our questions are. Should we do that before we visit with the committee? We can get that out of the way.

Toni Wheeler:
City Attorney I think we could take a short break here just to give them their gifts in case they have to go someplace else.

Mayor Amyx: Okay. Well, I don't know if it will really be a break, because I want to do in the public process. We do have a small token of our appreciation for each and every one of you who participated. I know some of you have things that you really need to go to, but again, thank you. I'm going to come around over there. You'd like to come. Those cameras up there are going to have to follow us all.

Commissioner Herbert: I think we've got the technology.

Mayor Amyx presented gifts to the board.

Mayor Amyx: Okay, back to the commission. The other item that we have this evening is to the questions that we have. First of all, one of the things that we had was to put together a matrix to follow. Each one of you should have one in front of you there. It talks about different numbers of questions to ask.

Vice Mayor Soden: Can we put one up on the Elmo?

Mayor Amyx: Opening and closing. We can, sure. Toni, I will let you explain this because I think you put it together.

Toni Wheeler
City Attorney Yes, we tried to give some guidance on how long the meeting on Thursday would last, depending on the number of questions that you asked, and the length of time that you permitted each candidate to answer so assuming that six candidates would be invited, for instance, if you each submitted three questions and gave three minutes to each applicant to answer. We also allowed some time for follow up questions at the very end, because there seemed to be an interest in having the commission ask some follow up questions. We took into account taking a closing statement for each of the candidates, counting in some time for a break, along with city commission deliberations. With all of that, we totaled it up and that would take 317 minutes and would extend the meeting to about 11:15pm. That doesn't account for the public comment that the commission has said it wanted to receive at this meeting. We just wanted to give you an idea of what the evening might look like. Then we gave different scenarios, if you each asked two questions and shortened the time for the answers by each applicant to two minutes. If you look over at the far right column,

that's 193 minutes total. That would end at 9pm, again, excluding the public comment period. I know that the commission does want public comment I just didn't include it in the matrix.

Commissioner Herbert: Two quick questions on the follow up questions portion. My understanding is that tonight we are making public our questions. All the candidates will have 48 hours essentially to prepare responses. The follow up questions, are these going to extemporaneous in nature.

Toni Wheeler:
City Attorney Yes. The thought was that would just be based on what you hear Thursday.

Commissioner Herbert: Very good. Then my other question would be the deliberations portion, are we treating this as an executive session or is this public deliberations?

Toni Wheeler:
City Attorney No, it would be public deliberations. It would be in full view of the public. We just put 30 minutes. You may take all the time that you think is necessary of course.

Mayor Amyx: One of the things that I do want to point out. The follow up questions can be directed to a specific candidate and all six may not be asked to respond to that question. It may be a question that just goes to one or as many as you like. I do think that we need to understand that the follow up questions may take longer than 20 minutes. There will be adjustments to this schedule, just so that everybody understands. There's no way that I can really allow on that one to think that we're going to stay within 20 minutes. I just don't think that's possible. I've been surprised before. The opening and closing statements, everybody good with those?

Vice Mayor Soden: I have a question. Are we going to have each person do their opening statement and then sit down and then rotate through? Or are we going to have one person there, they do all their opening statement, and then in all the questions at once and then we go the next candidate.

Mayor Amyx: I think what we should do is do the opening statement. Each one gives their opening statement.

Vice Mayor Soden: To rotate.

Mayor Amyx: We have a block of seats.

Vice Mayor Soden: Just like before.

Commissioner Herbert: I think we ought to rotate the way that we would do in our own forums, where if I get the first question, Stuart starts the second.

That way there's an equal time being the lead and also being the bottom. You don't want the sixth guy every time to answer, and you don't want to be the first every time.

Vice Mayor Soden:

You always will be the sixth person.

Commissioner Boley:

My only question is did we need opening and closing statements?

Mayor Amyx:

I think that there's going to be a lot of repeat.

Commissioner Boley:

We've seen the process. We've all looked at the process. That seems to me to be the question there.

Mayor Amyx:

Well, we can do one or the other, we don't have to either.

Commissioner Boley:

I essentially say questions and then closing statements.

Mayor Amyx:

Okay.

Commissioner Boley:

How do you feel about that?

Commissioner Herbert:

That's fine. Yeah, I wouldn't want to do both an opening and a closing, or we're going to be here until forever.

Vice Mayor Soden:

Yeah, that's fine.

Mayor Amyx:

You're okay for just closing?

Vice Mayor Soden:

Sure.

Mayor Amyx:

Closing?

Commissioner Herbert:

Yeah. I would also, I'm not trying to sell anybody on one of these particular options, but I would say that I would prefer we take quality over quantity. In that I would, regardless of which direction we go, I would prefer the three minute period to answer. I guess I am pointing you towards one. I would think less questions, but more time. The second tier there, the eight questions at three minutes each.

Mayor Amyx:

Okay.

Commissioner Herbert:

I think twelve questions might get excessive, given that it sounds like we all watched the four hour forum. We've all seen them answer questions for four hours now.

Mayor Amyx:

Okay.

Commissioner Boley:

What about eight questions, two minutes. I mean they'll have

time.

Vice Mayor Soden:

That's what I was looking at.

Commissioner Herbert:

Okay.

Commissioner Boley:

We're going to have public comment, that's one of these things that's not factored in here.

Commissioner Herbert:

You're right.

Vice Mayor Soden:

I'm not married to the idea of needing two questions per each of us. I think we're just going to agree on the questions we want. I don't know if we need eight questions.

Mayor Amyx:

Well, if we go to the eight questions, two minutes each. I think if we have the flexibility on the follow up questions. We probably anticipate an hour of public comment.

Commissioner Herbert:

I think there will be a lot of it.

Mayor Amyx:

We're going past 10 o'clock, if our deliberations end up only lasting a half an hour. I'm going to guess we're probably still here fairly late.

Commissioner Herbert:

No that's fine. I think we've all ruled out twelve questions? Okay.

Mayor Amyx:

Okay, the majority and everybody seems to be leaning towards the eight questions, two minutes, no opening statement, one closing statement, flexibility in the follow up questions and to make sure that we have the public comment section.

Commissioner Boley:

Are you planning on giving five minutes for public comment on this?

Mayor Amyx:

I believe that that should be the case. Public comment at five minutes each.

Vice Mayor Soden:

Yeah.

Commissioner Boley:

I'm concerned that five minutes might be more than we need on some of these.

Commissioner Herbert:

Right. This might be a night to bring back the three minutes shot clock.

Mayor Amyx:

One of the things that we are going to have is we're going to have to have a timekeeper. Especially for candidate questions

so that everybody gets a fair...

Commissioner Boley: What I'm saying is there may be a lot of people who want to talk.

Mayor Amyx: Yeah. Five minutes will be fine. We can get a lot of information out in five minutes. Okay, so those are the rules. Okay, as far time goes and the requirements that we're going to have. Now we're down to two questions each that they're going to have.

Commissioner Herbert: Vice mayor, you said that you weren't necessarily married to the concept of two each. I really do like that, because I think that gives a sort of a representative sample of the body. I mean, ultimately, all four of us are going to have to work with this person, as a team mate and as our fifth voice. I'd really like everybody on the commission to have a say in the selection or at least a say in the questioning.

Mayor Amyx: Okay, well I'll go first, how's that? We'll get off the deal. Okay, my first question is, let's make sure that we get these right. I don't think I can remember them the second time.

Commissioner Herbert: I'll type them up.

Mayor Amyx: Okay. One, What single issue, that this commission has decided, and this is going back to April, the date that we started, did you disagree with, why, and what would you have done differently, had you been a commissioner. That's one. Two, the city commission has set priorities and goals. The goals that we wish to work for. How will you assist this commission in being able to meet its goals?

Vice Mayor Soden: That's a long answer.

Mayor Amyx: You got two minutes. All right, who wants to go next?

Vice Mayor Soden: I'll go next.

Toni Wheeler:
City Attorney

If you could speak a little more slowly.

Vice Mayor Soden: Okay. I think Candy Davis had some great questions. This last one, I really liked, and that's what constitutes desirable, healthy neighborhood that you would wish to live in? I think that's a really interesting question. The second question is how do you interpret the results of the election last April? There's a follow up to that. How will that influence your decisions as a commissioner? I have it written down if you want to pass it down.

Commissioner Herbert: My first question is. The city of Lawrence has a population of nearly 93,000 and yet, on any given Tuesday, City Hall hosts

less than 30 citizens at our meeting. As a seated commissioner, what are your plans to engage the community who do not attend meetings and the process? Second question was, two weeks ago, the Lawrence City Commission was faced with the decision of whether or not to give the Lawrence Arts Center \$100,000 in transient guest tax spots, for the purpose of expanding the Free State Festival. Two commissioners were in favor of full funding and two were opposed. As the fifth member of the commission, you would have been the deciding vote. Explain how and why you would have voted.

Commissioner Boley: What do you think a commissioner can do to encourage constructive conversations on controversial issues? What can we do as commissioners to assure that Lawrence continues to be home for working people of modest means?

Toni Wheeler:
City Attorney Okay, very well. If those can be emailed to me, then I'll make a point to notify the six people on the report, this evening before I go home. What the questions are and the general format for the meeting on Thursday. Is that acceptable?

Mayor Amyx: Sure.

Toni Wheeler:
City Attorney Thank you.

Mayor Amyx: Everybody happy with that?

Vice Mayor Soden: That went much more smoothly than I thought.

Mayor Amyx: Everybody got all the rules? Were there any questions from anywhere here this evening? Frank, did you have a question?

Frank Janzen: I just have two points. Commissioner Herbert mentioned who shows up here. He did not mention those people who are watching this on television and on the internet. We don't know how many that is. My question about the deliberation period, I assume that, as in all deliberations that you guys make, in any issue that comes before you. You will, in that period, be allowed to ask more questions to the candidates.

Mayor Amyx: Once we get to the deliberations?

Frank Janzen: Frank Janzen: Yeah.

Mayor Amyx: I would make a point to the commission that during the follow up questions we try to get all our questions done then. Once we get to deliberations, I would hope that we're ready to narrow this field down to two people to consider more if we want to even go farther. That's fine on Thursday night. I would think and just for the purpose of the commission and the public that once we get

to deliberations, our questioning is done.

Frank Janzen: What if the candidates think that your deliberations are maybe off the mark on some issue and that we want to come in?

Mayor Amyx: They would probably have the same consideration while I'm standing in the polls, you know if it's a regular election. I think there comes a point, Frank, where we must make decisions. We must move the process along. It's still at that point and unless the majority of the commission thinks otherwise, I think that we need to get to deliberations and just deliberate. That's why I say we're going to have flexibility in time on the follow up question. Are there any other questions? The item before us is to receive the recommendations and determine the list for the interviews and to also approve the questions that have been put forward, along with the matrix that is established under the eight questions, two minute, no opening statement or closing statement; to make sure that we insert the necessary time for public comment and that we have a timekeeper here so that the commission does not have to worry about that; and public comment will be held to five minutes for individual who wishes to speak. Okay, fair enough?

Moved by Commissioner Herbert, seconded by Vice Mayor Soden, to receive recommendations and determine the list for interviews and approve Commissioner questions to candidates. Motion carried unanimously.

2. **Consider adopting on second and final 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 Rd. The proposed tower has been relocated since first reading of Ordinance No. 9127 to a location approximately 136' south of the subject property's north property line. (PC Item 2; approved 7-0 on 6/22/15)**

Sandra Day, Planner, presented the staff report.

Curtis Holland:
Attorney

Thank you. My address is 621 College Boulevard, Suite 500, Overland Park, Kansas. 62211. Thank you for allowing me to be here tonight and for hopefully accepting staff's recommendation for approval of our site plan, new revised site plan. As you recall, I was here, I don't know how long ago. It was six weeks maybe now. As you recall, we had a pretty nice discussion that night about the location of the facility and where it is in relation to the building to the north. There was pretty unanimous consent by the commissioners that the only appropriate location that would be accepted and considered would be to move the facility to the south, which is, in fact, what we've done after reworking the plan. Talking with our proposed

landlord about where it could be, in terms of the overhead power lines and the restrictions that we faced. I think where we put it was exactly where somebody up here pointed on the map. We should put it. That's what we did. We worked with staff very hard, in terms of the location and the additional design changes, in terms of the fencing and the landscaping and so forth. All in all, I think we're in agreement with everything and appreciate your consideration of it and thank Sandy and the staff for working with us on the location. I'm here to answer any questions, if you have any. Thank you.

Mayor Amyx:

Okay, questions of Curtis? Okay. Nothing right now. Don't go away.

Curtis Holland:
Attorney

Thank you.

Mayor Amyx:

Public comment?

Melinda Henderson:

Hi, good evening, mayor, commissioners, and staff. I live in Brook Creek neighborhood and am a member of Brook Creek neighborhood association. I am here representing the neighborhood association tonight. I know that you all received a letter from our president. I'm here tonight to convey our appreciation to everyone involved with this project, personally. First I'd like to thank Mayor Amyx and the previous commission, from the beginning, before this site plan actually came to fruition. For honoring the Burroughs Creek Corridor Plan, the Brook Creek neighbor plan, and our comprehensive plan. We testified about all of that. I felt that it was very important that we try to recognize and follow this plan and suggest that a more suitable location for the tower could be found. The three new commissioners weren't part of that decision. We hope that you're on board with everything tonight. I want to say a special thank you to our legal services team, Toni and Randy. They met with several of us from the neighborhood numerous times; either on the phone or in the person, listened to our concerns and kept us informed about the process every step of the way. We really appreciate the communication from staff and hearing our concerns, as well. I want to give a special shout out to Sandy. I don't even want to think about the number of hours that you put into this. We really appreciate all the work that you put into to helping us get where we are tonight. Of

course, to Verizon, for working with staff to try to find the most appropriate, most suitable location for the tower. I think at the very first meeting probably at least three different neighborhoods were represented. There were a lot of concerns expressed about negative health issues, etc. about cell towers. That's not the issue. We try to recognize that from the beginning. I'm very, very pleased that is in a more appropriately zoned location. We definitely recommend approval of the site plan and the SUP in the second reading of the ordinance tonight. Thank you.

Mayor Amyx:

Thank you, Melinda. Other public comment on the site? Okay, back to the commission. Toni, do you have anything addition to add?

Toni Wheeler:
Attorney

No, I don't.

Mayor Amyx:

Curtis, thank you for the work that you and Verizon have done in making sure that there was a good outcome to this, understanding our concerns and the support of our neighborhoods in making sure that, what ultimately, at least for me and I'm sure other city commissioners had to do with safety and especially, the adjoining properties. I think it was a real win all around. Thanks Toni to you and Randy and everybody that was involved from legal in this. I know that there were a lot of hours put there. Scott and Sandy and all the planning staff and all the work that's been done. Special thanks to Melinda and the neighborhood for everybody involved and the other neighborhoods that were involved. I mean there was a lot of talk. I remember one thing in all of this, it's about communication and how important it is, but at the same time too, as we look at the need for more and better communication, we have requirements. I think that in this particular case, we had a great outcome for our community. All of my speech is done. The item before is to adopt on second and final reading, ordinance number 9127. If there are no other questions or comments, I would entertain a motion to approve that ordinance.

Moved by Commissioner Boley, seconded by Commissioner Herbert, to adopt on second and final reading, Ordinance No. 9127. Motion carried unanimously.

- 3. DEFERRED UNTIL OCTOBER 13TH. Consider authorizing resumption of city permitting and inspection services on the following remaining School District**

School Bond projects: Schwegler, Deerfield, Pinckney, Sunflower, Broken Arrow, and Prairie Park elementary schools and waive fifty percent (50%) of the City's building permit fees for such projects. Consider authorizing the Interim City Manager to execute an agreement with the School District consistent with City Commission direction.

4. **Consider authorizing resumption of city permitting and inspection services on the following remaining School District School Bond projects: Schwegler, Deerfield, Pinckney, Sunflower, Broken Arrow, and Prairie Park elementary schools and waive fifty percent (50%) of the City's building permit fees for such projects. Consider authorizing the Interim City Manager to execute an agreement with the School District consistent with City Commission direction.**

Scott McCullough, Planning and Development Services Director, presented the staff report.

KT Walsh: Good evening mayor and commissioners. I am speaking for myself. I know that everyone's lawyered up and no one can address any of this, but I just wanted to let you know that Max, the young boy, and his dad, have spent a lot of time at Children's Mercy and have been paying co-pays and he's lost a lot of work and he's not paid when he's not at the upholstery shop. The construction company gave him \$200. The East Lawrence Neighborhood passed the hat, and we were able to keep his utilities on. He's back at work now. I just want the community to know. He did get a lawyer. His lawyer said it'll probably be years, because it's the school district, city, county, and all of their insurance companies. I just want you to know the impact on this single hardworking dad and his kid. Thank you.

Mayor Amyx: Thank you, KT.

Vice Mayor Soden: That as the accident at New York Elementary?

KT Walsh: Yeah, I'm sorry. I should have started that way.

Mayor Amyx: Any other public comment? Okay, back to the commission. Comments on the actions before us in authorizing and resumption of the city permitting and inspection?

Vice Mayor Soden: I am thrilled to do this.

Mayor Amyx: Okay.

Matthew Herbert: Just kind of a general comment, though. The three of us weren't part of this process originally, but there's a lot of stuff that comes before the commission pretty regularly that deals with giving incentives or breaks of some kind to businesses. Be it a property tax abatement or be it some form of an IRB. Yet it

baffles me that we're unwilling, initially, to waive fees for a school. I get the argument with economic development. Every single day I work at Lawrence High. I think what I'm doing is economic development. I think that what we do has a big impact on our community. Going forward, I would encourage this body, when we're considering waiving fees, that perhaps school district ought to be the first place we look, because of the impact that they have every single day. I'm glad that we're resuming inspections. I think it's very important that we have safe schools. I'm sorry that this is going to cause an economic impact to the school district.

Mayor Amyx:

Okay. Well, there were a lot of comments and questions came before us. Whole lot of things expressed. Like the Vice Mayor, Matt, I want to let you know I don't disagree with everything or anything you said, but I do think it's important that, as we go forward, the authorizing and resumption of the permitting and inspection. Maybe in the future we talk about exactly what you brought up about the future and how those fees are to be cared for. Remember, if we charge the school district for the fees, it's like taking out of this pocket and putting it in this pocket. It really doesn't. It all comes out of the same pocket. We all realize that. One thing that's important to here is to start the permitting and inspection process.

Moved by Vice Mayor Soden, seconded by Commissioner Herbert, to authorize resumption of City permitting and inspection services for School District School Bond projects at Schwegler, Deerfield, Pinckney, Sunflower, Broken Arrow, and Prairie Park elementary schools and waive fifty percent (50%) of the building permit fees. Authorize the Interim City Manager to execute an agreement with the School District, consistent with City Commission direction. Motion carried unanimously.

F. FUTURE AGENDA ITEMS:

Toni Wheeler, City Attorney, outlined potential future agenda items.

Vice Mayor Soden:

Does this complete street design for east ninth, does that include the artwork? Do you know, or the proposed artwork?

Mayor Amyx:

We'll have to get answer to that.

Vice Mayor Soden:

Yeah. That's a couple weeks in the future.

Mayor Amyx:

Let's not guess that one. Let's find out that information tomorrow. Okay? You got that? One of the things that I want to make sure is that there was a question today about the time of our special meeting on Thursday. We need to start in communications on that. A lot of people think it starts at 6:30, because I think the committees' meetings started at 6:30. I think there are numerous people that think we're going to start

at 6:30. Let's make sure that we advertise it, 5:45 starting time.
Okay? The 13th, wow.

G: COMMISSION ITEMS:

None.

H: CALENDAR:

Toni Wheeler, City Attorney, reviewed calendar items.

I: CURRENT VACANCIES – BOARDS/COMMISSIONS:

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

Moved by Commissioner Boley, seconded by Commissioner Herbert, to adjourn at 7:03 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON DECEMBER 15, 2015.



Brandon McGuire, Acting City Clerk