



City of Lawrence

CITY MANAGER'S OFFICE

DAVID L. CORLISS
CITY MANAGER

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

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

CITY COMMISSION

MAYOR
MICHAEL DEVER

COMMISSIONERS
ROBERT CHESTNUT
DENNIS "BOOG" HIGHBERGER
MIKE AMYX
SUE HACK

August 12, 2008

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

CONSENT AGENDA

As part of the consent agenda, **it was moved by Hack, seconded by Amyx**, to receive the Mental Board meeting minutes of June 24, 2008, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Hack, seconded by Amyx**, to approve claims to 538 vendors in the amount of \$2,469,273.22. Motion carried unanimously.

As part of the consent agenda, **it was moved by Hack, seconded by Amyx**, to approve Drinking Establishment License for Kobe Japanese Steakhouse, 2907 West 6th; and, Henry T's Bar & Grill, 3520 West 6th. Motion carried unanimously.

The City Commission reviewed the bids for the 2008 Overlay Program, Phase 3 for the Public Works Department. The bids were:

		Bid	Approx AC Increase	Total Cost	Funding
Base Bid	KS Heavy Constr.	\$762,038.90	\$60,000.00	\$822,038.90	
ALT A (area including University Drive, 8 th Street and 9 th Street)	Ks Heavy Constr.	\$210,180.70	\$14,000.00	\$224,180.70	
ALT B (Trail Road between Folks Road and Monterey Way, and Eldridge Street)	R. D. Johnson	\$240,813.80	\$13,000.00	\$253,813.80	
ALT C (airport)	R. D. Johnson	\$44,471.60	\$5,400.00	\$49,871.60	KU share approx \$20,000
ALT D (cemetery)	LRM Industries	\$75,260.00	\$10,000.00	\$85,260.00	Cemetery Fund
ALT E (speed cushions; 8 th & 9 th)	LRM	\$20,024.40	Concrete	\$20,024.40	Sidewalk & Traffic calming



As part of the consent agenda, **it was moved by Hack, seconded by Amyx**, to award the base bid section (\$762,038.90) and alternate bid section A (\$210,180.70) to Kansas Heavy Construction; alternate bid section B (\$240,813.80) and alternate bid section C (Municipal Airport Taxiway Aprons A & B) (\$44,471.60) to R.D. Johnson Excavating; and alternate bid section D (Lawrence Memorial Park Cemetery) (\$75,260.00) and alternate bid section E (8th & 9th Street Speed Cushions) (\$20,024.40) to LRM Industries. Motion carried unanimously. **(1)**

As part of the consent agenda, **it was moved by Hack, seconded by Amyx**, to place on first reading Ordinance No. 8294, an ordinance providing for the amendment to Chapter V, Article 10 of the Lawrence City Code that requires ground fault circuit interrupter receptacles for all kitchen countertop and bathroom receptacles. Motion carried unanimously. **(2)**

Ordinance No. 8312, establishing the City's part of a joint Resolution/Ordinance concerning charges for ambulance services, was read a second time. As part of the consent agenda, **it was moved by Hack, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Dever, Chestnut, Hack, and Highberger. Nay: None. Motion carried unanimously. **(3)**

As part of the consent agenda, **it was moved by Hack, seconded by Amyx**, to place on first reading Ordinance No. 8313, authorizing the financing and refinancing of certain real estate property and improvements thereon for economic development purposes and authorizing the issuance of General Obligation Bonds to pay the cost thereof. Motion carried unanimously. **(4)**

As part of the consent agenda, **it was moved by Hack, seconded by Amyx**, to adopt Resolution No. 6787, ordering the improvement and authorizing the issuance of general obligation bonds for certain improvements to the intersection of 19th Street and Louisiana Street and repealing Resolution No. 6762. Motion carried unanimously. **(5)**

As part of the consent agenda, **it was moved by Hack, seconded by Amyx**, to adopt Resolution No. 6784, authorizing the sale of General Obligation Temporary Notes, Series 2008-I and General Obligation Bonds, Series 2008-A. Motion carried unanimously. **(6)**

As part of the consent agenda, **it was moved by Hack, seconded by Amyx**, to adopt Resolution No. 6783, establishing the maximum annual bonding amount for improvements authorized pursuant to Charter Ordinance No. 27, as \$685,000 plus cost of issuance and interest on any temporary financing. Motion carried unanimously **(7)**

The City Commission reviewed the bids for 18th and Maine Street, Traffic Diverter for the Public Works Department. The bids were:

BIDDER	BID AMOUNT
Engineer's Estimate	\$22,996.00
Asphalt Improvement Co.	\$27,471.00
Penny Construction Co.	\$32,589.44
Comet Corporation	\$33,895.00
LRM Industries	\$36,272.00
Amino Brothers	\$45,067.00

As part of the consent agenda, **it was moved by Hack, seconded by Amyx**, to waive the engineer estimate and award the bid to Asphalt Improvement Company, in the amount of \$27,471. Motion carried unanimously. **(8)**

As part of the consent agenda, **it was moved by Hack, seconded by Amyx**, to adopt Resolution No. 6788, amending Sections 1 and 2 of Resolution No. 6728, expanding the list of projects previously authorized by Resolution No. 6728 by including the funding of the mid-block pedestrian signal in the 900 block of New Hampshire Street and the 18th and Maine Street Traffic Diverter to the list of projects. Motion carried unanimously. **(9)**

As part of the consent agenda, **it was moved by Hack, seconded by Amyx**, to receive request from Spencer Fane Britt & Browne, LLP, for a Transportation Development District

(TDD) at the Bauer Farms Development, 6th and Wakarusa, and refer staff for a report. Motion carried unanimously. (10)

As part of the consent agenda, **it was moved by Hack, seconded by Amyx**, to approve an application for Temporary Use of Right-of-Way for the Lawrence Busker Festival, August 22 – 24, 2008. Motion carried unanimously. (11)

As part of the consent agenda, **it was moved by Hack, seconded by Amyx**, to authorize the Mayor to sign two Releases of Mortgage for Penny Sullivan, 2236 East Drive. Motion carried unanimously. (12)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said 19th and Louisiana was successfully opened and wanted to thank LRM Industries for their prompt and expeditious work on a challenging budget this summer. Louisiana Street needed additional work, but the traffic could flow in that area.

Commissioner Hack said she wanted to commend Chuck Soules and the Public Works Department for the 19th and Louisiana project as well as several other on-going projects which had improved traffic flow and the quality our City streets.

She said she also wanted to remind everyone that tomorrow was the first day of school and asked everyone to be aware of our school aged children on the street. (14)

REGULAR AGENDA ITEMS:

Conduct a public hearing on proposed 2009 City Budget.

David Corliss, City Manager, introduced the item. He said tonight was the public hearing on the proposed budget which established the budget and mill levy caps for the 2009 Budget. Staff was required to provide a certified copy of the budget to the County Clerk by August 25, 2008. The ordinances provided to the City Commission adopted the budget and also appropriated by fund all the different funds for the expenditure for next year. Also, an ordinance

was provided that state law required when spending property tax revenues above the preceding calendar year of the budget, and staff recommended adoption of that ordinance. He said staff was finalizing the utility rate ordinances that would be on the regular agenda next week and was an important component of this budget.

He said staff drafted a budget in brief which did a good job of explaining the proposed budget. The draft provided operating and capital expenditures which were a little bit over \$152 million, a 4.5% increase in 2008 and discussed where those funds came from. One significant challenge for building the 2009 budget was the assessed valuation did not grow at historic rates, under less than 1% and the City's budget documents pointed out it was a significant challenge for the community; not only for 2009 but for future budgets. He thought the 2010 budget was going to be a significant challenge for the Commission next year because he did not think the assessed valuation would grow even at the rate to build the 2009 budget and the City would continue to struggle with that challenge. The draft document also indicated the number of different areas where the City spent money and there were different operating funds and different budgets as well.

He said there were some questions about funding outside agencies that perform important services within this community that the City Commission had historically funded.

In the previous weeks, the Mayor, Commissioner Hack and he attended a meeting with vendors, interested parties, City staff, as well as members from Bert Nash and the Housing Authority concerning how the City provided homeless services. The general conclusion from that meeting was the concern about the reduction in funding to Bert Nash for the case workers. Primarily that reduced funding was to try and provide additional resources for the Housing Authority for their Housing Connector Program. The suggestion that came out of that meeting was all the funds would be looked at that were designated for homeless services and not increase that amount, but as the Community Commission on Homelessness for a

recommendation on how to allocate that funding. Staff took the CCH's recommendations when crafting the budget, but could not fully fund their recommendations and changes were made and that might be something the Commission might want to consider during their deliberations. He said there was not any problem with adopting the budget as presented with that exception because once staff received the CCH recommendation it would go back to the City Commission, to make that final allocation within the already adopted budget and staff would make agreements with the different providers, pursuant to City Commission direction.

He said because of Commissioner Hack's employment with the Chamber of Commerce, it would be appropriate to consider the Chamber's allocation separate from the rest of the budget and proceed with the motion for the adoption of the budget.

Commissioner Amyx asked if the idea was to grant \$57,000 that was recommended to Douglas County Housing Authority, publish the current budget under the outside agency request, and then wait for the recommendation from the CCH on allocation of that money.

Corliss said the ordinance the Commission would adopt did not go into that level of detail and that ordinance could still be adopted. Based on the Commission's earlier deliberations on this issue, the money that was going to the Homeless Task Force recommendations, the subtotal of the \$138,000 plus the \$57,092, that went to the Housing Authority, the City would not proceed with contracts with those agencies until receiving the benefit of deliberations and recommendations from the CCH and then staff would work on those agreements.

Commissioner Amyx asked about his and Commissioner Hack's recommendation for allocation to the Commission. He said the request was for an additional \$39,000 with a difference of \$18,000, and asked if the Commission would reallocate that \$18,000. He said the City Commission recommended allocating \$57,000 to the Lawrence/Douglas County Housing Authority. The request was for \$187,000, but the Commission's recommendation was

\$138,000. He said there was an additional \$10,000, \$15,000, or \$18,000 somewhere in that range.

Commissioner Hack said the Commission left some additional funding for emergency allocations. She said there were some concerns from the Homeless Outreach folks about the \$57,000 not helping to do the type of case management those folks felt needed to be done. She said there might be other ways to keep that database without fully funding the \$57,000 and put that money back into homeless outreach which was a concern from the people from Bert Nash.

Commissioner Amyx said again, his concern was the difference in the amount of the original request and if that money would be left in a contingency fund to be used throughout the year or allocate those remaining funds.

Corliss said the \$138,000 could be added to the \$57,192. He said the Community Commission on Homelessness could then be asked for their recommendation on how to allocate that fund. That would keep the outside agency subtotal at what the City had budgeted. The contingency amount was more on the alcohol funds where the City did not spend all of the funding that was available and those funds were still available to spend for those Charter Ordinance designated purposes which was in the amount of \$10,000 or \$15,000. There still needed to be a fund balance so the City could cash manage the different payments because the City did not receive that money all at once and neither did the outside agencies. The fund balance had been spent down in that fund.

Mayor Dever opened the public hearing.

Loring Henderson, Director of Lawrence Community Shelter, spoke on the allocation of the Special Alcohol Fund. He said the entire budget process had been extremely difficult for the City Commission and everyone else on the receiving end.

He said the allocation of the Lawrence Community Shelter out of the Alcohol Tax Fund had been reduced from last year by \$3,000. He asked the City Commission to reinstate to at least the amount they received last year.

Jo Anderson, Lawrence, spoke on the allocation of the Special Alcohol Fund. She said she was on the City Commission years ago and when the agency proposal was given to the City Commission regarding the alcohol tax money. She said at that time, the City Manager requested using some of the agency's money to buy police cars, but they did not see how that fit in with prevention, intervention, education or treatment. She said this City Commission was asking that half of the money, the one-third that went to the agencies, be allocated to the School Resource Officers instead. She read from a state statute regarding the part that had to do with the 1/3 that was allocated to social service agencies. It read, "Monies in the special alcohol and drug programs fund shall be expended only for the purposes of intervention of services or programs whose principal purpose was alcoholism and drug abuse prevention and education. Alcohol and drug detoxification, intervention and alcohol or drug abuse treatment of persons who were alcohol or drug abusers or in danger of becoming alcoholics or drug abusers." She said she could see spending more money on SRO's because those officers fell into that category, except the City was not really hiring new SRO's. She said she was not a lawyer but her understanding of the K.S.A ruling was they kind of wanted to have a three legged stool and the alcohol tax money would go to a general fund which provided enforcement, to Parks and Recreation which provided recreation so people did not have to get their recreation from drugs and alcohol, and to social service agencies for prevention, treatment, intervention and education. The City government was not set up to be a social service agency. Even though City government could do enforcement and do Parks and Recreation, the City could not provide the kind of services that were provided by the various agencies. If the City Commission took away from those agencies and pretended those agencies were not as important as those

agencies were and destroyed those agencies for lack of funding, then all a sudden the social service agency part the City had to pick up, became really expensive because if the only social service agency part was through the Police Department, it was not providing the kinds of education, intervention and treatment. She said every year it became more and more expensive to provide the social service part because it had become part of law enforcement and could not provide the kind of work that agencies did. She said the Commission needed to do what was best for the community which was to accept the recommendation of the advisory committee the City Commission appointed and return the funds to the agencies as the Commission was advised.

Mayor Dever asked Corliss to explain where they stood as with the funding to the outside agencies and where they stood this year as towards the amount of money going to agencies this year relative to last year.

Commissioner Hack asked if Toni Wheeler, Legal Services Director, could provide information to the Commission about the statutory requirements for the alcohol fund.

Corliss said staff provided a summary of the outside agency allocations and tried to provide copies for members of the public. He said the definition of an outside agency was problematic. He said some of those agencies were more traditional vendor services that the City leaned on such as Legal Aid and the Humane Society. If Legal Aid was not available, the City would need to hire an attorney to do legal work for individuals, in the Municipal Court, who were not able to hire an attorney. It was the same type of thing for the Humane Society which was a traditional urban service. Economic Development was a subcategory and staff did not like pitting economic development against social services, but that was discretionary funding as well. Also, a category of human services that listed a number of items was listed. There were discussions about the City's efforts to respond to the needs of homeless individuals in this community. He said the City had provided funds for the Ballard Community Center; Boys and

Girls Club; CASA; Douglas County Visitation Center; Ecumenical Ministries Fellowship where they sponsored Martin Luther King Day Celebration; Health Care Access which in addition to the City providing a facility for that agency, the City also provided funding, primarily to respond to pharmacy concerns; Housing and Credit Counseling; Jayhawk Area Agency on Aging, Arts Center, The Community Shelter that received additional funding outside of that earlier recommendation; Housing Authority; Salvation Army; The Shelter, Van Go Mobile Arts, Warm Hearts, and WTCS. He said the funding for those agencies were general operating fund expenses. The City also provided funding to those agencies through the CDBG process as well.

The Special Alcohol Fund was discussed during an earlier budget session. He said the law had changed in a sense. The City Commission adopted a Charter Ordinance that allowed the City to allocate those funds differently than in 1998 when that change was made. It was the City Commission's discretion on how to spend those funds and determine whether or not certain purposes were met. It was important to point out there were three purposes for that alcohol tax. There was no sales tax on consumption of alcohol in restaurant, instead there was 10% tax and that money then went to the State with 70% of that money coming back to the municipality or in this case, the City of Lawrence. He said 1/3 of that money went into the City's General Fund; 1/3 to the Special Recreational Fund; and, 1/3 to the Special Alcohol Fund.

Toni Wheeler, Director of Legal Services, said she prepared a memo dated July 10, 2008 that addressed Charter Ordinance No. 33 which was made available to the public on the City's website. The statute that was referred to earlier, K.S.A. 79-41a04 which established the local alcohol liquor fund was non-uniform and was not uniformly applicable to all cities and therefore under a cities home rule power they could charter out of that ordinance and substitute different provisions. In 1998, the Lawrence City Commission adopted Charter Ordinance No. 33, which expanded the categories that those funds could be used for and those categories

could be found in her memo and included law enforcement, prosecution, court activity and programs related to apprehending, prosecuting, adjudicating, and monitoring individuals who were alcoholics or drug abusers, including individuals that might be charged with violating laws related to alcohol or drug abuse. Another category added was education, counseling, public information efforts and related associated activities related to the prevention of drug abuse. The funding for the School Resource Officers (SRO's) did satisfy those categories. The SRO's provided counseling to the youth in the school districts and provided positive role models, give alcohol and drug prevention information, and make that available to the students.

In summary, the City was following the appropriate law and adopted a Charter Ordinance following all of the appropriate procedural mechanisms. She said as the City Manager indicated, the City Commission had the discretion to allocate those funds as they deemed appropriate within the categories and confines of Charter Ordinance No. 33.

Mayor Dever said he wanted to make sure the City Commission understood the applicable law and whether or not the Commission was doing something that had been done for many years that was outside the law.

Corliss said last year the City Commission had budget challenges and a decision was made to allocate \$250,000 out of the Alcohol Funds to fund the School Resource Officers. He said he met with the Special Alcohol Advisory Board before their board received the request this year and advised the board that his recommendation was to increase that amount, given the budget challenges the City was facing. The Special Alcohol Advisory Board chose not to allow that increase and the amount did not increase for next year even though the City's expenses would increase.

Mayor Dever asked Corliss to explain the total amount the City was providing to outside agencies this year versus last year.

Corliss said the total amount included some of the vendor provided services such as economic and human services. That total amount for outside agencies from the general fund was about 1.44 million dollars and from the Special Alcohol Fund which included funding for the Police Department was \$562,000. There were also other funds that were budgeted through different processes such as the CDBG process that the City Commission approved back in May for the federal budget year that would start in October that provided some additional funds for social services.

Nick Brown, Lawrence, said the logistical conversation of what could practically be done with those funds overshadowed a point Anderson brought up which was, what was in the best interest of the City long-term, such as in a long-term strategy in where to allocate funds and what services to support whether it went toward enforcement or rehabilitative service agencies that were specialized, seemed to be a larger question.

Anderson said this was about the Charter Ordinance and she was troubled because that Charter Ordinance was discussed back when she sat on the Commission. She said if she remembered correctly, a Charter Ordinance was not intended to excuse the City from State law, but a Charter Ordinance could be adopted if a State Law was tightened up. For example, in the Alcohol Tax Fund, a Charter Ordinance could be adopted if a city was only going to fund those prevention programs that met certain stronger criteria than what the State provided. She said if drafting a Charter Ordinance that added criteria, that was troubling because it seemed the City was pitting one governmental body against another. If a City could charter itself out of a State law, it was troubling. She said she would like to receive an explanation and asked if staff received an Attorney General's Opinion.

Corliss said it was well established law and that was exactly the purpose of a Charter Ordinance which was to exempt the City from a non-uniform State law. He said the Kansas Constitution, a higher law, gave cities a supermajority authority which was four votes from the

City Commission and subject to the protest petition from the public to exempt itself from that State law. He said that was how the City established its stormwater utility. He said there was a State law that did not accomplish all of this City's purposes and they completely exempted the City from that law and provided substitute provisions that allowed the City to collect a fee on every piece of property in town for the stormwater utility. He said he agreed with earlier comments that the purpose of the Charter Ordinance was to give the City Commission additional discretionary authority. Other Commission's had not exercised that additional authority, but in this case it was exercised because of budget issues. He said he thought the City was in good shape from a legal standpoint, but it really was the discretion of the Commission, within those confines, about law enforcement. He said he would also argue that a lot of the work the SRO's did on a daily basis was something everyone could be proud of regarding prevention and education efforts. There was a lot of that work that was directly on point in the intervention, mentoring, and the ability to work with those individuals at junior high and high school levels. He said one of the things staff wanted to do was give the Commission, within the law, the maximum discretion and this Charter Ordinance helped give that maximum discretion. He said it was perfectly appropriate for the Commission's to say they disagreed with those priorities. He said they needed to have a discussion on the role of the advisory. The Commission was already talking about what to do in situations where there was concern about allocating those monies in ways the board did not want to allocate those monies. He thought it was a fair discussion for the Commission and advisory board to have.

Margaret Bodle, Lawrence, said if there were not enough funds to go around then personally, she would not have any problem receiving more funding from the alcohol tax because in this town, a bundle could be made. There were a number of ways why increasing the alcohol tax would benefit the town at large and the issue seemed to be primarily about not having enough money to go around.

Commissioner Highberger asked Corliss to comment on the City's authority on changing the alcohol tax.

Corliss said that was a state law and the City did not have the ability to have their own excise tax. The City did not have that ability to have an additional excise tax so that 10% tax would need to be altered at a state level and staff could ask legislators to pursue that idea if that was an appropriate item.

Bob Geitt, Lawrence, said he appreciated the City taking time to explain to the public the City was on solid, legal ground in making budget decisions and those decisions in the end were the City Commission's. He said the only thing left was a matter of difference on principles and whether or not the City should be using its limited tax funds on police enforcement or social services. He said he was afraid the City Commission leaned a little bit further than a lot of people would care to, towards police to exaggerate a police state instead of dealing with the problems earlier, before needing police intervention.

Commissioner Hack asked Corliss to explain the history of the funding with the grant money for the SRO's.

Corliss said the school resource officers were most recently funded out of the general fund but the grant ended in 2005. The City fully funded the SRO's in the general fund in 2006, but before that there was a federal grant that provided support for those officers and that was how that program initially started and was funded. He said the SRO's were funded by the City's general fund and last year for this year's budget, the City needed to make adjustments. Essentially, the City did not fund the WRAP program and that money that was in the special alcohol money was used for funding police officers.

Dave Strano, said he was looking over the budget this year and crunching the numbers and seemed the economic development services received a net gain of \$60,500 for their expenditures for the year under the recommended budget for 2009 whereas the human services

received a net loss of \$32,000. It seemed obvious to most people that when 4 – 5 organizations that made up the economic development sector received a net gain at the expense of a loss for the rest of the services, there was definitely a shift in priorities and definitely a favor of one sector of the community over another. The stakeholders in economic development were not normal, average people, but the bosses of the community and business development community. They were the people who owned the businesses who were the vast minority of people in the community. There was very little evidence, especially as the economic development continued to spiral downward as jobs were lost and the economy was crumbling, agencies actually develop the economy. He said the bottom line was they were favoring the ruling people of the City over the rest of the community. When the rest of the citizens in this community had their back against a wall, there were only a few places they had left to go. He said the City Commission needed to think about that and reallocate the money back to the human services for the City.

Nick Brown said he wanted to comment on a couple of comments made by the City Manager. He said he knew the SRO's were the most proactive and visible sign of prevention that law enforcement agencies conducted besides enforcement, and was highlighted as far as those officers' role with fitting in with the sector of alcohol prevention and the funds that were meant to be designated towards that purpose. He also saw under the special alcohol fund where Bert Nash and WRAP was chosen not to be funded. The Boys and Girls Club of Lawrence, Big Brothers/Big Sisters, Van Go Mobile Arts, Women's Transitional Care Services, Headquarters, and Haskell Counseling Services which were groups that reached parts of the population and did work that could not be replaced by school resource officers and could not be replaced by the enforcement aspect of the police, either. He said that work was extremely important and valuable to the community.

Moved by Hack, seconded by Chestnut, to close the public hearing. Motion carried unanimously.

Vice Mayor Chestnut said he appreciated everyone attending the City Commission meeting especially the people who spoke. He said he wanted to comment on some of Anderson's comments. He said Anderson was correct regarding Van Go Mobile Arts and Boys and Girls Club. The City needed to look at outside allocations in a continuum and really go back three, four or five years. What happened in the City's budget cycle was when hitting the peak of outside agency funding, the \$3.3 million deficit was created in the general fund and the City could not sustain that deficit or repeat, over and over again, or the municipal government would not be functioning. He said with some of those funds they needed to go back and look where it started from. Loring Henderson spoke on the Lawrence Community Shelter and the allocation in 2004 was no funds and this year between CDBG and the fund of special alcohol was \$77,000 which was actually a 24% increase from last year because they did get some reduction in the special alcohol tax, but also got a \$18,000 increase from the general fund. They had 24% higher funds from the City next year than this year.

He said when looking at Boys and Girls Club, he agreed it was one of the best programs in the City of Lawrence. He said when talking about investing in the future, in 2004 the City put about \$100,000 in that program and in 2009 they had made the recommendation to put \$243,722, which was 225% increase in funding for the Boys and Girls Club over the last five years.

He said Van Go Mobile Arts was another fantastic organization and had funding of \$22,000 in 2004 and in 2009 that funding would be \$102,000, which was a 450% increase over the last five years. What happened was a great thing that the economic growth, assessed valuation and budget had grown and was able to expand investment in social services and a whole number of other things in the community. He said he realized that everyone supported

the student resource officers and did not need to convince him because he had children in junior high and high school. The SRO's represented some of the most important icons as far as the interface between law enforcement and young people and the way that started was one of the important indicators about the success of young people growing up. He could not speak more highly about a program that was nationally recognized amongst hundreds across the country as one of the premier programs and was proud the City had that program in its schools and was glad the City could fund that program. He said the City had gone back and not only looked at outside agencies but probably cut \$3 - \$4 million out of other agencies, which included police, fire, the budget department, human resources and everything else. The City took 15 positions that were funded last year out of the budget this year. The City was looking at growth and revenue of probably about 1 – 1.5% in total funds. It did not mean the City could not manage the cost of gas going up or the cost of other commodities going up and wanted to try and pay City employees a little bit more than last year. The City was definitely in a crunch and was proud of the fact the City was able to sustain the level of funding and commitment to outside agencies which might be slightly less than it was last year, but represented a continuum of a much higher level than it was 5 years ago. He hoped the City would get back to times where the general fund revenue was growing at 6 – 8% as it was three years and behind that. Everyone knew these were difficult times. He thanked Commissioners Amyx and Hack because they spent a number of hours going through and making very difficult decisions amongst three pages worth of agencies in trying to make some decisions.

He said as far as the special alcohol tax, statute or no statute, they made the change to fund the SRO's and he thought it was the right thing to do last year. He said that dropped into the general fund one year, which was 2006 when the City had a huge deficit. There was no way that could be sustained and still thought it was a tremendous program.

He said WRAP was also one that was recommended. He said he wanted to read a comment from the superintendent made during last year's budget cycle. It appeared in the Lawrence Journal-World last year on June 5th. It said, "I guarantee that the next four years there would be service cuts in the school district and we may start with WRAP even with it being as valuable as it is. I am not going to sugar coat it; that could happen." He said when the City looked at this last year, they came to the conclusion that the school district wasn't going to remain committed to the program and given the fact that the program was in the schools, it became difficult to justify that all the other "wants" and "needs" that needed to be funded in a program all the way up to when the City Commission was at the budget adoption last year, they were not sure the school district was going to fund their portion of the WRAP program. He said subsequently the WRAP program was funded, but they were at the budget cycle again for the school district next year and from his knowledge, giving the fact the school district dropped 2 mills from their levy, he was not sure the school district was going to fund the WRAP program or not. It was difficult to make all those decisions because there were tons of moving parts, but could speak for his watching the efforts from the rest of the City Commission he knew it was difficult to make those choices when spending a tremendous amount of time, on balance, on what the Commission thought was best for the community.

Corliss said it was his understanding the school levy would be 1/10 of a mill lower than what it was currently. There was an article that stated the school district mill levy went from 8 mills to 6 mills. He said there was a story that mentioned the 2 mills, but he thought it was the school districts capital mill levy and he understood their total aggregate mill levy would go down slightly, but not by 2 mills.

Commissioner Hack said she had a problem with hearing the Commission had made up their minds and the public felt like they were talking to a brick wall. She said they spent hours and hours to get to this point and she was offended that people thought the Commission had

not agonized over every single decision made in terms of the budget because it had been extremely unpleasant.

She said if looking at outside agency funding without taking out the CDBG, the City was still at \$1.5 million when taking away economic development if not including economic development as an outside agency. She said to say the Commission was cutting social services and getting rid of social services was very inaccurate.

She said she appreciated the comments about her and Commissioner Amyx's work on the outside agencies, she did not take part in the discussion of economic development funding because the Chamber of Commerce was her employer.

She said she wanted to discuss SRO's because being a former teacher she had the opportunity to work with SRO's. She said it was awesome that a community would value its young people enough to place officers in four junior highs and two high schools. Because of the work done by those officers, she did not think that anyone understood the amount of counseling and mentoring that was done by the SRO's. When thinking about School Resource Officer, when using the word "Officer", people think of law enforcement. While there were occasions where there had been issues in the school where having law enforcement on site was a blessing but she did not think people understood the day to day contact SRO's had with young people and the types of connections young people could make with officers and would serve those young people for so long because they learn about law enforcement from a lot of different standpoints but also learned there were a number of people who care about those young people and could trust. She knew there were students who told the SRO's things they did not tell her or their counselor, about things that were going on in their homes and neighborhoods. She thought that was a great compliment because it was early intervention. The SRO's were seeing those young people at the most critical time of their young lives when they were trying to figure out who they were and what was going on for them in the future. To have a caring adult among

many caring adults in the school would be there for those young people on a daily basis which was remarkable and she was proud to be in a City that valued their young people so much that it provided that help.

She said she would abstain from the portion of the budget dealing with economic development because it was appropriate, but she appreciated everyone's opinion even though they disagreed on some of the larger points and smaller points of the budget. She said it had been a lot of work to get to this point. She thanked staff and fellow Commissioners for input.

Commissioner Highberger said first we wanted to thank Commissioners Hack and Amyx for their work on funding for the outside agencies even though he disagreed with some of the recommendations, but he knew it was a very difficult job. He said there were more responsibilities trickling down to the local level with no funding coming with those extra responsibilities. The Commission also made a conscious effort to improve the quality of life in the community. One of the biggest things he had seen in the last five years was the City had gone from not getting anywhere close to taking responsibility seriously for the homeless problem in the community, to taking first steps to addressing that issue, but they still had a long way to go.

He said the Boys and Girls Club was in the same position as WRAP and SRO's because the grant funding ran out and the funding had to come from somewhere. He said with the Boys and Girls Club in particular, there was research showing that every dollar invested in after school programs saved expenses down the road. He said he disagreed with funding for the SRO's out of lack of budget last year and opposed that funding this year. He said he preferred sticking with the recommendations of the committee, but there were times where the City could not go along with board recommendations. He thought that recommendation should have been given more deference.

He said there were two primary reasons he was voting against the budget this year because of the recommendations for funding out of the special alcohol fund and because this budget made no provision for the future for a public transportation system. He said for those two reasons, he was voting against this year's City budget.

Commissioner Amyx said over the last 10 years the City Commission had the opportunity to see about a 6% increase on valuation on an annual basis. Prior to last year, the City Commission looked at funding most agencies at 100%. The City was now in a situation where there was no increase in valuation and was dealing with the shortfall of money. In 2009, there was approximately \$146 million in expenditures and were down to about \$800,000.

He said with the special alcohol tax and outside agency requests, he and Commissioner Hack met with staff to go over the allocations. He knew Commissioner Hack had an opinion on how they arrived at the various allocations. There was not a stone left unturned when looking at the information provided by the agencies and recommendations from staff.

He said the Homeless Task Force met with the Community Commission on Homelessness and other interested parties. At that meeting, the City Commission learned about a funding request from the Lawrence-Douglas County Housing Authority which looked like a good program. He said he recommended funding the request for \$57,192 and when looking at the general operating fund, it made sense to take it from the Homeless Task Force recommendation on the case managers. That program placed people in homes, which was the reason for his recommendation.

He said he appreciated Commissioner Highberger's comments about the SRO's but those officers had an important job and was a program that needed to be funded. He said when looking at that program over the last couple of years, the grant was no longer available and there was no participation from other agencies. He said for the City to fund that program, there had to be a place to find those funds and the special alcohol fund made sense.

He said all the other agencies request were good and they truly tried to address those needs. He said he would love to fund the WRAP program. He said three years ago, he was on board when the City, County and School District were going to fund a program for Bert Nash, but somehow, the City was stuck with the bill. He said the City could not fund everything.

Commissioner Highberger said he appreciated all the hard work put into those budget issues and just for the record, if the Commission could resolve his two primary reasons for voting against the budget recommendations, he would accept the recommendations on the general fund allocations.

Commissioner Amyx said this was one of the toughest things that Commissioners this year had gone through because there was no growth in valuation and no way to increase spending. In the past, he was willing to help every agency, but this year, those were his recommended allocations that he believed addressed the priorities of this community.

Mayor Dever said this was a tough time to be serving in public office and a tough time to be working for a living. It was a time where everyone should stand together and rise above the economic conditions this City had been faced with. He said the City Manager did a great job in reducing the City's expenditures when they had no opportunity for additional funds coming in. The City Manager recognized the Commission's desires last year and did a great job in fine tuning the budget and making some cuts. He said Corliss did a great job this year with his staff and others involved to find a way to make the budget balance without raising property taxes. It was a difficult time and easy to go out and ask people for more money, but more important to do more with less which was what the Commission was trying to do this year.

He said he also wanted to thank Commissioners Hack and Amyx for their hard work. He said the Commission trusted outside agencies to two people who had served the community for a long time and was sure those decisions were made with great consideration and care. He did not think anyone could have done a better job and everyone appreciated their hard work and

how difficult it was to make choices when they did not have funding. This job was difficult to do and even more difficult when there was no money at hand to do the things they wanted to do. He never thought while serving on the Commission, this community would have such a decline in revenues and decline in the economy and be put in a position to do all the things they needed to do to stop the bleeding in the community and stop some of the social ills that were present. He said Commissioner Amyx and Hack did a great job in trying to craft a budget that worked.

The City Commission would continue their commitment to the City and outside agencies. He said he considered the SRO to be the base level of social services and thought they could do a lot with a very little when they take a few minutes with someone who was hurting before they hit the streets, drugs or alcohol. He was proud of the SRO's work and their recognition they received. He said it was a lot of money, but it was service paid for by a federal agency at one time and now the City had to pick up the bill and was proud of this City picking up that bill.

He said overall he wished there was more money and could do more with the money at hand, but right now it was time to tighten the belt and unfortunately there were a few agencies that lost out on what they had asked for. He apologized to all of those agencies individually and wished the City Commission could do more. He was in favor of approving the budget and hoped to come to a consensus on the budget.

Corliss said he assumed what was discussed regarding the homeless funding would be a friendly amendment and ask the Community Commission on Homelessness to write a recommendation on the homeless funding in the general operating budget and staff would not proceed with those vendors until that recommendation from that group was received.

Moved by Chestnut seconded by Amyx, to place \$185,500 into the 2009 budget for funding the Chamber of Commerce. Aye: Amyx, Chestnut, Dever and Highberger. Nay: None. Abstain: Hack. Motion carried.

Moved by Chestnut, seconded by Hack, to place on first reading, Ordinance No. 8305, adopting and appropriating by fund the 2009 City of Lawrence Budget, with the provision of managing the specific budgeted funds for homeless funding at a later date. Aye: Amyx, Chestnut, Dever, and Hack. Nay: Highberger. Motion carried. **(15)**

Moved by Amyx, seconded by Chestnut, to place on first reading, Ordinance No. 8306, noting the necessity of appropriating/budgeting property tax revenues for 2009 in excess of that which was appropriated/budgeted for 2008. Motion carried unanimously. **(16)**

Mayor Dever requests Commission consideration of an additional sales tax initiative of 0.05% for transit purposes. If approved by the voters, the 0.05% sales tax would not take effect unless the 0.20% sales was also approved by voters in November.

Mayor Dever said this agenda item was added to discuss the possibility of adding a third question to the upcoming November election in which the City was going to seek funding through sales tax for transit purposes. The third question would be related to the second question which would be .05% increase for transit purposes and revolved around adding a third question which included .05% for additional transit funding related to equipment and route improvements.

Mayor Dever called for public comment.

James Canaday, Lawrence, said he was present to represent the Douglas County Chapter on the National Federation of the Blind. Their Federation sincerely thanked the City Commission on the future of the transit. He also thanked the City Commission for designating City staff to keeping him involved in the process as things went forward with the future of the transit. He took that responsibility very seriously and hoped to make a difference with that. He knew that what they were doing with the budget and future of the T was very hard work. It was not easy in tight economic times.

He said he had two major points. The first point was to reiterate what he had spoken about two years ago that paratransit did not adequately serve blind users, especially those who

were working, in school, family needs, etc where there were daily commitments. Paratransit did not serve the blind because of scheduling, capacity, cost and convenience. He said as an example, if he went downtown and went to the Farmer's Market, got his hair cut, and did various other things, he could not predict and schedule what time to go home. The fixed route served him well that way.

He said the other major point he wanted to mention that came from their chapter was if the City Commission was sincere about promoting the sales taxes for the T, the T had done a good job of finding out why people were riding. What the City did not have a good handle on, though it seemed everyone had an opinion, was why people were not riding the T. If they were to move forward and improve ridership, instead of just focusing on their personal opinions and individual anecdotes, he asked the City Commissioners to direct City staff to perform some kind of study. There were social science investigators at KU and this was a question that could be answered.

He was speaking with a friend today who was in the state organization who was in Wichita. Instead of just one recent month of improved ridership, the transit in Wichita had increased ridership. One issue in Wichita that was not present in Lawrence was the routes were intuitive. If you know that your bus in your neighborhood went by every hour at 35 minutes after the hour, you would be more likely to catch that bus. The busses currently for the fixed route in Lawrence were not scheduled that way. In Wichita, their transit system showed increased ridership for quite a while. He said they believed one major reason was the schedule was accessible and understandable. He said the City Commission should analyze this information and find out why people were not riding the T.

He said their chapter intended to support the sales tax or taxes for the continuation of the T. He noted with pleasure that Mayor Dever included in the additional sales tax for the T, the issue of route improvements. Route improvements were definitely needed and believed that

clusters were needed. If someone caught a bus on West 6th Street and their destination was South Iowa, they would not have to go all the way to 9th and Mass and then catch a bus to go out again.

He said their chapter would support the sales tax and do everything they could to support transit. Their national organization appreciated when they were politically involved. He said for the T to go forward, there would need to be major changes. It was not fair to the hardworking citizens of Lawrence to take their tax money and watch fixed route busses running around in Lawrence empty or nearly empty. They believed that it was important for ridership to be turned around and would start with rearranging routes and fixing times.

Dennis Constance, Lawrence, speaking on behalf of Grassroots Action, spoke in favor of an additional sales tax. He said they were pleased the Mayor included supplemental funding for the T for reasons that had been discussed at the last meeting of July 22nd. They thought the previous speaker's comments were of legitimate concern and they were happy about the fact that if they could pass the sales taxes, they could keep the T functioning and address other problems. The T had a pretty good track record to adapting itself to the needs of the community and they were confident that if they could keep the T going and healthy through those tough times, they would get to where they needed to go. He said he wanted to thank Cliff Galante for making the T such a successful program.

He said on a personal note, he did not think they would be present talking about this issue and was happy to say that he appreciated the Mayor's effort in making a supplemental suggestion. It would get the City in the ballpark of where it needed to be and hoped they would have at least 3, but hopefully 5 votes in favor. They could argue about whether or not it would be nicer if it was one issue or two, but at least it was there and would work to make it successful.

Gwen Klingenberg, Lawrence, said she wanted to thank the Mayor for listening to the people last week, taking the time to reconsider, and supporting the community and this bus system.

Hilda Enoch, Lawrence, asked why the ballot was going to be two questions instead of one question and pass it at 0.25%.

Mayor Dever said since the City Commission already approved the ballot measure last meeting, his desire was to try and add additional funding that individuals indicated might be necessary to help strengthen the T's opportunity to be successful. He said he felt like a separate question would be the way to do that. Many communities ask several questions when they ask questions about transit. He said two questions was not an unusual situation and would hopefully provide the funding that many people asked for. He said it was an opportunity for people to choose one level of service and at the same time to be able to shore up the equipment and funding for some of the other needs that were expressed last week.

Lisa Harris said as a member of the MPO and a member of T2030 Committee, transit was an important component for the future plans of the community. They had hopes in T2030 to have more service from Lawrence to Kansas City and Lawrence to Topeka. This would help preserve that goal.

Commissioner Hack said this endeavor was evidence the City Commission spent a lot of time and listened very carefully to comments. She said Mayor Dever spent additional time doing research to have this resolution written in such a way that it would make the difference in terms of the success of the ballot and the success to whether or not people would be committed to working for a transportation system. She said she would support the secondary resolution. The concern was if the existing service could go on the way it was with the .2%, what happened if not.

She said Canaday's suggestion of finding out why people did not ride the T was important. She said she also wanted to thank Cliff Galante, Transit Administrator, because he had worked incredibly hard and was a tremendous asset to City staff. The work Galante had done with KU and their transit system was incomparable and wished Galante and his family the best of luck at his new job.

Commissioner Amyx said a week ago they had a debate about whether there would be one or two questions. He said he felt one question was appropriate so there would be no confusion. He said after the debate last week, the Mayor did his homework and realized there would be a shortfall if the transportation system would proceed. He said this was an item he would support.

Commissioner Highberger said he wanted to thank the Mayor for bringing this forward from last week. He said his preference would be Commissioner Amyx's preference. He said it made more sense to have one vote on transit. He also shared Commissioner Amyx's concern about confusing people. If they were all going to go out and campaign, it would be for one vote instead of two. He said his preference would be a single .25% for transit, but in the absence of that, he would support the recommendation.

Vice Mayor Chestnut said he echoed the sentiments of all the Commissioners. He said from his perspective, he thought this was good because when talking about transit to sustain what the City had, he felt comfortable with 0.2%, but in going back and reviewing his notes on public comment, one of the resounding themes was 0.2% was not enough. It gave the opportunity to get to where everyone wanted to be, which was not only more funding but also the combination with KU in putting all of those things into play and getting to the ridership issue which was on the fixed route system. It was a novel idea and agreed that he wanted to keep things simple. He said on the other hand, he was parallel to the Mayor's research. There were a number of resolutions out there and a lot of municipalities that tended to line item those sort of

things based on spending the time and effort to go out and solicit public support for funding transit, which was a commitment of probably \$30 - \$35 million over 10 years that they wanted to have some clear direction as to what the intent of the voters was. He thought it was a great idea.

Mayor Dever said trying to put together a bunch of questions to ask the public was a difficult process but he was confident they had the ability to explain to people what they were trying to accomplish and clearly make them understand the importance of fully supporting transit. He went home and tried to figure out a way they could come up with a compromise that would involve everyone and those people specifically that were disappointed in the City Commission's actions, and he tried to find out from people who had done this how they did it and how they could make it happen in Lawrence. This was not about defunding or not funding, but about strengthening and committing, which was what he believed this Commission wanted to do. If the Commission was wise in their efforts and worked hard, this would be a process of educating the people and there was a plethora of information on the internet that could be used to educate and sell people on the concept of what they were trying to achieve with those two votes. He did not think asking two questions would be confusing and if the Commission did their homework, they would do a good job of selling the concept to make it clear to the voters so they could make a choice and get behind the public transit system to make it better. He said Cliff Galante had put a lot of hard work into this transit issues and they saw eye to eye on many things. He said Galante had won a lot of awards for the transit system and they continued to do so in the future and although ridership declined slightly, it was something Galante stated would happen and those numbers were almost what was thought to be, but better than anticipated. He was hoping people would see the need to support the transit system and improve and make the transit system more efficient for more people. He said hopefully they could create a system

that served their purpose. He said he wanted people to be interested and excited about this issue.

Moved by Chestnut, seconded by Hack, to adopt Resolution No. 6792, providing for an additional 0.05% sales tax for transit purposes and authorize publication of appropriate notice. Motion carried unanimously. **(17)**

Cliff Galante, Transit Administrator, said he wanted to thank the City Commission and Lawrence citizens for the opportunity to serve this community. He said he had mixed feelings about leaving Lawrence because there was a lot of unfinished business that he would like to be a part of and was excited about the future of Lawrence. He said he hoped the citizen rallied behind those votes. He said personally, his new job was a good opportunity and was good for his overall career goals, but again he wanted to thank the Commission for giving him the opportunity to serve the City of Lawrence and he enjoyed his time with the City.

The Commission recessed for 10 minutes.

The Commission reconvened at 8:25 p.m.

Mayor Dever said he would suggest deferring consideration of the text amendment TA-04-03-08, regarding homeless facilities in zoning districts and asked Scott McCullough to explain the background for that deferral.

Scott McCullough, Planning and Development Services Director, said staff would request in the Commission's motion to provide staff direction to implement the schedule staff recommended in a memo which included receiving additional public comment on this important text amendment through August 27th and allowing staff to take those comments and present a revised draft to the Community Commission on Homelessness on their September 9th public meeting and revise language again, if necessary to present that draft to the Planning Commission at the September regular meeting and then in mid October bring back some language to the governing body for their recommendation. That stemmed out of the recent

public comment and from staff's perspective, the desire of the Planning Commission because they wanting more time with this amendment in their attempt to try to work with the advocates with the Lawrence Community Shelter and other models. He said staff was recommending implementing that timeframe.

Mayor Dever asked if the time frame could be shortened after the Planning Commission meeting.

McCullough said perhaps. Staff would work with the City Manager to get that text amendment back to the City Commission, after the Planning Commission meeting.

Mayor Dever said based on the comments he heard from the Planning Commission level and needs for fund raising and funding, he did not want to drag this issue out too long and thought it was important to get the public input on this item so staff could work and act on the item as soon as possible.

Commissioner Amyx said in looking at the Planning Commission minutes, there seemed to be a lot of confusion between the two types of facilities that would be considered and those types of facilities coming together as one issue. He said because of the request from Price Banks concerning the allowed use of industrial zoning at that location, he said he never envisioned putting those together. He understood the reason, but it added to a lot of the confusion on Type A and Type B. He said that issue needed to be addressed because it was confusing.

McCullough said staff posted their PowerPoint presentation to start that education process to the public. Staff also needed to do a better job of educating the public. He said staff already met with Lawrence Association of Neighborhoods and were happy to meet with other neighborhood groups to try and get the education process underway. He said he hoped to educate the Community Commission on Homelessness at their September meeting.

Moved by Hack seconded by Amyx, to defer consideration of text amendment TA-04-03-08 pursuant to staff's recommended time schedule in the August 8, 2008 staff memo. Motion carried unanimously.

Receive presentation regarding Peak Oil from the Sustainability Action Network

Dan Poull, Chair of the Sustainability Advisory Board, introduced Michael Almon from the Lawrence Sustainability Action Network to discuss this item.

Michael Almon, one of the founders and a Board member of the Sustainability Action Network submitted his speech to the City Clerk's Office which read: “

“Our primary mission is ecological sustainability, and whatever policy initiatives can bring our society closer to that goal. We thank you for the opportunity to help our community understand Peak Oil and plan how we can mitigate against our vulnerabilities. Our request is that the Commission tonight adopt the “Lawrence Peak Oil Resolution”, and then proceed to establish the “Mayor's Task Force on Peak Oil” to undertake that planning.

We hope you had time to review the documents we provided to you a couple weeks ago. The idea of Peak Oil is quite complex, so before I introduce Steve Moring who will conduct our Power Point presentation, I want to clarify some terminology to help navigate the topic.

First, the oil of concern is “light sweet crude”, the free-flowing *conventional oil* which is predominant world over, and for which prices are reported daily. And the discussion is about *global* Peak Oil, the beginning of decline in *global* oil extraction. US extraction peaked in 1970. Virtually all other nations have peaked also, including the giant Ghawar field in Saudi Arabia, so logically, the *global* peak is imminent.

Second, many mistakenly view Peak Oil as an environmental crisis. It is not. It is an economic crisis, a budgetary crisis. The costs and consequences of Climate Disruption are environmental costs. The costs and consequences of Peak Oil are economic costs, felt increasingly any-where in the economy that oil plays a role – which is everywhere. The diminishing supply of *light sweet crude* combined with rising global demand is resulting in price inflation. The other contributing factor to rising prices is increasing reliance on the very expensive sources such as oil shale, tar sands and deepwater fields.

In our Power Point presentation, Steve Moring will provide a lot more detail on the history and trends of Peak Oil, and the consequences of rapid energy inflation. If steps are not taken to mitigate against the rising cost of oil, any attempt to solve any other problem, whether it is local asphalt paving or global Climate Disruption, will become prohibitively expensive.

So with that, let me introduce our presenter, Steve Moring, also a founder and a Board member of the Sustainability Action Network. Steve holds degrees in chemistry and botany, is on the faculty of Highland Community College, and is an organic farmer in Oskaloosa KS. After his presentation, other SAN members will add brief comments.”

Steve Moring presented a PowerPoint presentation. He said the issue of Peak Oil had been an important issue and he was fairly aware of the situation for many years. He said having a background in chemistry it made sense to begin mitigating and repairing for the future. He said he would discuss Peak Oil, the negative effects for the City of Lawrence, and what the City government could do to mitigate potential vulnerabilities. He said they provided members of the City Commission with resource materials and references regarding the issues of Peak Oil and their Peak Oil Resolution.

He said Peak Oil was the depletion of petroleum fuels. He said oil was energy, energy was everything, and without energy nothing would happen. He said prior to the industrial revolution, energy utilization was what nature provided. Oil was discovered and tapped into an abundant reservoir of ancient sunlight in which we managed to use approximately 50% of that energy source.

He said discoveries of US petroleum oil resources peaked in the late 1940's and it was predicted in 1956 the US would reach peak oil and gas production in the early 1970's, which came to pass. Modern estimates predicted the global peak would be between the years 2005 and 2010. He said this meant that all oil producing regions in the world were discovering less oil than producing. What had made it possible for the earth to support 6.5 billion people was the contribution of energy to agriculture and the ability to be able to increase produce food production dramatically. He said abundant energy coupled with technology and the abundance they realized from abundant agriculture sustained the abundant population. He said this meant increased demand with declining production equated to high petroleum prices and a deflating economy. The economy was predicated on the availability of cheap and abundant energy. The civilization was directly tied to the use of fossil fuels, particularly petroleum energy.

He said they were discovering less and less and using more and more of the reserves. The supply of energy was on the verge of diminishing. All the oil fields being discovered they

could expect in the next 40 years to begin depletion. He said if looking in more detail at the energy curve, the United States had a peak production and declining since 1972. Russia had a couple of different peaks but was now in a state of plateau. The rest of the world, including the Middle East, now appeared to be reaching maximum production.

Global peak oil was the convergence of three trends; proven reserves were being extracted at capacity, the rate of new discoveries were declining, and the demand was growing faster than production, especially in China and India. The United States used about 25% of all the petroleum the world produced. It was also important to note that China and India would catch up with the United States and at that point the demand would be so high, that the reserves would go rapidly into decline.

He said many experts believed the energy depletion had already begun. Some of the more conservative institutions, like the US Department of Energy, did not believe depletion was not going to happen anytime soon. He said with observing the crude oil prices and the effect of the availability of petroleum and cost of petroleum products, mainly gasoline, they saw that maybe depletion had already begun. This year they saw a dramatic increase in the price of gasoline. In recent months, it had dropped to \$114 per barrel. He did not think this was a trend where a magical thing would happen and the prices would go down and they would have more available energy.

He said the biggest impact of energy depletion was economic growth. With the growth of the capitalist economy, growth of the economy was predicated on the availability of cheap and abundant energy. It affected transportation and fueling needs for transportation were dependent by 90% of the oil as a fuel. Food production was coupled with the availability of energy. They would not be experiencing the green revolution if it was not for the abundance of energy.

He said during the Egyptian and Roman times, the number of people who worked in agriculture to produce food for the society was about 3:1. There were three people involved in producing agriculture and one person that was involved in maintaining society. Today, what they saw was roughly about 1 farmer feeds 128 people. He said if taking energy out of the equation, they did not have the fertilizers. Most fertilizers came from methane and from the production of energy applied from petroleum sources.

He said the distribution of goods was another point. Most goods in the United States were distributed by diesel fueled trucks and their infrastructure on their roads was dependent on the use of asphalt. Basic services were another area that would be affected.

He said US energy consumption was broken down as 40% of the petroleum products were used in the economy, 20% was roughly natural gas, and 20% was coal with a small contribution for nuclear energy and even smaller contribution of biomass. He said the question was where they were going to get the energy to maintain and sustain this society. He said over 65% of their global energy came from petroleum. Energy depletion not only pertained to petroleum, but included natural gas, coal and uranium. US natural gas peaked in 2001. The global peak was in the future but not too far off and would need to rely more and more on liquid natural gas imported from other countries which was going to be costly and have an effect on every aspect of the economy, especially on nitrogen fertilizer production. The US coal peaked in 1998 and the global peak was estimated to be about 2025 for coal. Coal could be used to produce petroleum, but if it became mainstay then the peak for coal would be even sooner. Global rate of uranium was projected to peak before the year 2050. He said they were faced with a way to substitute energy utilization. Currently, much hope was focused on solar energy, wind power and other renewable resources. The question was if they were going to be able to convert completely over to solar wind and other renewable sources.

He said peak oil meant both increase in oil prices and volatility in supply. It was going to affect the local community because everyone was dependent on oil. As a matter of fact it had been said they were addicted to it, but the thing was no one could stop using it tomorrow and if they were going to be preparing for the future, they would have to start doing things now. He said there were short term challenges, which might be seen as disruptions in the oil supply. It could be caused by weather or terrorist acts.

He said the dependency on oil of the economic sector, roughly 30% was in transportation, 90% of the fuel used from transportation came from petroleum. A significant portion was in maintenance and building of roads. Agriculture was around 30% from seed to dinner on your plate. Roughly about 19% was from manufacturing fertilizers. There was less than 1% of the population engaged in agriculture and was a very serious situation. Chemicals and plastics were also produced from petroleum and a large amount of energy was in manufacturing. If they talked about producing solar panels, they needed energy to produce those solar panels in the future. It would be an interesting challenge.

He said the short term challenges were dealing with abrupt disruption in oil imports, the economic emergency would need to be mitigated with the implementation of disaster plans, fuel resource rationing, alternative fuels and transport modalities, transportation of vital commodities, and transportation of the workforce. It might be best to figure out a way they could have a local petroleum reserve, mainly to be able to operate emergency vehicles, police, fire and other emergency vehicles. It would be good to have in place a fuel rationing program. The federal and state government needed to lead the way. They needed to have plans for Douglas County Emergency Management to deal with the situation and county and city government budget for emergency response, for situations like fuel riots, looting and civil unrest.

He said ongoing challenges included gradual decline in energy resources. The economy was likely to decline between 2 – 5% in an annual basis due to petroleum production

decline. It would equate a decline in GDP, inflation and unemployment. He said it would affect the community. When people start moving closer to their jobs because they could not commute there or people lose their jobs, the ability to generate revenue for the City was going to go into the red. It was time to seriously plan for the future.

He said they needed to come up with a 5, 10, and 20 year plan to mitigate this crisis and realized an independent oil society within 10 years. The City government must step into the leadership position that the national leaders up to this point have advocated. The component of energy was going to continue to go up and dramatically impact the ability to provide city services to people.

He said in looking at what a lot of other communities have done, they came up with several government mitigation initiatives to secure energy for the future, which were:

1. Reduce the total oil and natural gas consumption by 50% over the next 20 years.
2. Educate the public about peak oil to foster community based solutions.
3. Engage business, government and community leaders to initiate planning and policy change.
4. Preserve farmland and expand local food production and processing.
5. Better support our Farm's Markets and agriculture and land use planning.
6. Evolve habitats into mixed use commercial nodes surrounding by walkable neighborhoods and suburbs converted into urban agricultural land;
7. Revise land use code to support solar and wind energy, urban agriculture, transit oriented development, etc.
8. Urban Centers connected with rural villages via light rail, bicycle paths and walkways.
9. Expand urban transport options; upgrade rail systems, promote walkability, transit, bicycle facilities and multi-modal streets.
10. Adopt energy efficient building programs and incentives for all new and existing structures.
11. Focus on building codes and subdivision regulations that needed to incorporate things such as solar access, roof top and district scale wind turbines.
12. Encourage business sustainability opportunities for green jobs including tax incentives.
13. Redesign the safety net and protect vulnerable and marginalized citizenry.
14. Established an Emergency Management Office that would respond plans for sudden and severe shortages.

He said some initial steps that could be taken toward mitigation were to adopt the Lawrence Peak Oil Resolution. In that resolution was a proposal to establish a Peak Oil Task

Force. This Peak Oil Task Force would have a charter to do the following: assess Lawrence's ability to energy depletion; seek community input; develop strategies and recommendations to the City government; research and develop emergency plans; and propose means to educate the public about energy depletion.

He said he wanted to congratulate them for some things the City had already done, such as adopt the Mayor's Climate Protection Agreement and to join the International Council for Local Environmental Initiatives, the City's climate protection campaign. There was a lot that needed to be done in the future and he wanted to say that much needed to be done by members of the community. He thought they needed to be educated more and more and did not hear much about it on the news. The City government leaders needed to become active in mitigating the impending energy crisis.

Almon went on with the remainder of his presentation and said:

"That last slide listed the Peak Oil goals adopted by most communities, so the City was basically halfway there. By signing the Mayors' Agreement and joining ICLEI, they had addressed the environmental component. What remained to be planned for was Peak Oil inflation, the thorny issue blocking the way to climate solutions and economic growth.

He said it would be simplistic to say that oil and commodity inflation was a one-dimensional issue, caused only by Peak Oil. Other inflationary factors were the mortgage crisis, crop failures from drought and floods, our unprecedented foreign debt weakening the dollar, and speculation in petroleum futures. However, society's dependency on oil was the over-arching factor.

He said a good analogy would be business inventory. He said a local book publisher prints thousands of books a day and sent them out the door. To maintain paper inventory, they bring in truck loads of paper from their supplier. If inventory resupply slows, printing and sales slow also. They could run on current inventory, but only for so long.

He said now for oil, think of all the known reserves as "inventory", and the extraction from those reserves as "out the door". New oil discoveries replenishing the oil reserves are the same as "restocking your inventory"; less paper in, less paper out. Oil extraction was dependent on discoveries of new oil reserves, and discoveries peaked in 1965. The oil coming in the door was now less than what's going out the door, so global oil extraction was peaking.

He said global inability to increase oil extraction was the linchpin that has signaled the end of cheap oil. Just four days ago, the prestigious British think tank, Chatham House, issued a report "The Coming Oil Supply Crunch", pointing out that OPEC has failed to meet plans to

expand its capacity since 2005. The report concluded that oil will reach \$200.00 per barrel by 2013.

He said the “peak” was not a specific day in time, but a bumpy plateau extending for a few years, though that peak can be postponed a bit by the heavy and expensive oil from shale or tar sands. It was tempting to be lulled by the current drop in oil and gasoline prices. But remember, the main feature of Peak Oil was price volatility, as they ride that bumpy plateau.

He said even if one disputes all the data, they could not dispute that the extraction peak was coming, sometime soon, and that oil inflation had already arrived with a vengeance. The effects of oil at \$200.00 per barrel and gasoline at \$7.00 per gallon will cascade throughout all parts of our economy – transportation, manufacturing, coal mining, agriculture, building technology, waste management, health care, etc. Given that fact, if Peak Oil goes unaddressed, its inflationary pressures will render other problems unsolvable, especially the Climate crisis.

He said historically, whenever supply was not meeting demand, OPEC would throttle supply to balance demand and keep prices moderated. But they were pumping at capacity, so that option no longer exists. After this historic turning point, oil prices could be lowered only by lowering demand. The International Energy Agency's main strategy for that was demand restraint, commonly called conservation.

He said if Robert Hirsch of SAIC, a Fortune 500 consultant to the Pentagon, and James Schlesinger, former head of the CIA and the Atomic Energy Commission and Secretary of Defense and Energy, and Jeroen van der Veer, CEO of Royal Dutch Shell, all agree that Peak Oil is imminent, then any prudent official would want to ask “How should we plan for this?”

He said mitigation was needed at the local level for three reasons. As Steve Moring pointed out, inflation in food, commuting, construction, health care, etc, will impact locally most heavily. With oil central to our economy, disruptions are expected to be severe, and emergency planning is most effective when done locally. And our Federal officials have abdicated their responsibility, so local government must fill the void.

He said Dr. Robert Hirsch of SAIC had done a scenario analysis for mitigation. He concluded that initiating a crash program anything short of twenty years prior to the peak would result in significant liquid fuel shortages for two decades. Others including Amory Lovins, Lester Brown, Buckminster Fuller, and most notably, M. King Hubbert had warned back around 1980 that we had about twenty years to mitigate Peak Oil before it was too late.

He said the prudent time to act was twenty five years ago. Effective mitigation would have been possible in 2002 when oil still cost \$20.00 a barrel, or even as late as January 2007 when oil cost \$50.00 a barrel. Today with oil 140% above the 2007 level, and projected to go higher, they are hard pressed to mitigate without some economic pain which will only get worse with time. So the time to act was “now”, though truly it was yesterday.

He said they could not stress too much the importance of the City Commission establishing a “Mayor's Task Force on Peak Oil”. To help make the job of the Task Force easier, they have submitted many technical guides, planning models, and web addresses, such as: An Introduction to Peak Oil, the Energy Bulletin Peak Oil Primer, Transition Initiatives Primer, and Descending the Oil Peak - the Portland Plan.

He asked the City Commission to please adopt the “Lawrence Peak Oil Resolution” and implement the task force. He said it was in the community's economic self interest, and the City Commission's budgetary self interest.”

Richard Wetzel, Lawrence, said he also taught at Johnson County Community College and taught a class this semester about Energy Production and Alternative Energy. Their text book, which was two years old, was already warning about peak oil and the authors of the text book were talking about how the peak could occur in the next several years. He said cities around the country were beginning to prepare. They had not heard so much regionally, but in Madison, Wisconsin and Andover, Michigan were converting a lot of their fleets and vehicles to energy efficient vehicles of all different types including those that use alternative fuels that could be grown locally. They were converting areas of the their cities that were conducive to growing crops and preserving those for growing crops for local food production as peak oil went into further and further decline, prices would go sky high. He knew Lawrence was working on this already, but major energy conservation measures were being taken by a lot of cities in terms of using energy efficient lighting, LED lighting rather than compact florescent, using energy motors and machinery and electrical equipment that saved a lot of money. He said citizens like it because it lowered the City budget in the process and the City in turn sets a wonderful example for everyone in the community. He said those were the kinds of things he noticed in his studies of those issues.

Tim Hejested, Sustainability Action Network, said a lot had been said about what the monumental challenge peak oil was to government, people, and businesses. He thought it was essential to remember that with every great challenge lies great opportunity. So much resided in what could be done now and if they could plan now, they could take a leadership role on what would be one of the most significant issues over the last 50 years and if they got a lead start now and became a leader in Kansas, it would bring jobs and economic growth in the energy

sector and other sectors. The slide that showed how right now they were using mostly fossil fuels, solar wind, and biomass and those technologies only represented only 1%. It was such a huge potential in that area for green jobs and green economy. If they do that now, that was going to bring people to Lawrence and bring that new market that could help out a lot of people. He said planning for peak oil would allow that task force to create those types of opportunities and those openings for new markets to expand and new things to happen in Lawrence. It was the future and the more they could do now, the better off they would be and Lawrence could become well known for this. It could become a great thing for Lawrence.

Janet Fitzgerald, Lawrence, said the topic of peak oil concerned her and she learned a lot about peak oil reading books and other people who created films for action website. Every aspect of modern life depended upon oil, especially cheap oil. She and her family have taken many steps over the past few years to reduce their dependency, for instance riding bikes, buying locally and those types of things. There was much more to do and she encouraged the City Commission to adopt the Peak Oil Task Force and all related activities therein.

Marian Herstead, said she lived outside the county but Lawrence was her community and had to commute here 8 miles back and forth to get food. She said her father was in the oil and gas reserve estimation business and retired in 1972 and this was all new news to a lot of people, but remembered when she was 22 years old and her father told her they were running out of oil. She said in 2000, she remembered the cost of the propane to heat their rural home was over \$1,200 for the month of December and at that time made the decision that it was time to do something. She said even though it took \$17,000 to drill, they estimated at that time with current prices, it would be an 8 – 15 year payback, but probably paid back in a year and a half. She wanted to encourage the City Commission to figure out how to get the resources. If they could get the community to come up with resources to invest in geothermal, wind or whatever, the payback would be so fast now that the prices were skyrocketing. It was value and whether it

took special initiatives or new taxes, it had to be done because they would not survive otherwise. She said what also was important was they preserved the farmland closest to Lawrence. She said she could not afford to drive her car into town because it cost \$6 round trip to come in and get groceries. She said people were going to have to sell their homes, quit their jobs, or leave their families and stay in hotel rooms if they were commuting. They were seeing programs on TV about people losing their homes and giving up their homes because the cost of commuting to jobs was so high and it was already affecting people all over the country and all over the world. They were already late in the day, but the City needed to spend the money and figure out how to solve the problem before people start suffering.

Mayor Dever asked if staff reviewed their draft resolution.

David Corliss, City Manager, said there was a Sustainability Advisory Board, Climate Protection Task Force, along with staff efforts in talking with the KCC about additional energy conservation in city facilities. He said he wanted to make sure it was well coordinated and was impressed with those issues, but wanted to make sure there was not a task force that had some of the same recommendations that were complementary. He said he knew the SAB had been working on some of those same issues as well. He said he had some coordination questions, but did not disagree with the desire to continue to monitor the issue. He said staff needed a lot of good suggestions about concrete things the City could do to be more energy conscience and more efficient. He said staff received suggestions from any number of different avenues, but he just wanted to make sure it was coordinated to make good choices. He said there was no department, but had City staff that were capable of working on it with their other responsibilities.

Mayor Dever said a meeting could be scheduled to discuss any overlapping perceived and ways the City could use the resources of the Sustainability Action Network, along with work that was being done by the Sustainability Advisory Board and the Climate Protection Task

Force. He said they could address some of the items that were specifically in the resolution and then present a resolution that would be acceptable.

Vice Mayor Chestnut said one thing that came to mind was this was broader than just what the City of Lawrence could do, but an educational opportunity for the community. He said speaking from personal experience, in his business at Allen Press, they had gotten involved with International Forestry Stewardship Council and other green tag programs through Bonneville Energy Foundation and employee committee to look at their own internal consumption. One thing that was hard was there was a lot of information out there and hard to get their arms around it when not ensconced with this issue on an on-going basis. One element that came to mind in the discussion was having an outward facing part of this effort, which was committed to being in the community to provide education either for employers or other people who wanted to participate. He said his business had come up with good ideas, but it was a lot to sort through from people who had other jobs and not focused or knowledgeable in this area. It would be a great service in the community for people who had a lot of knowledge to look at how they could get out to the community and provide that type of education. He did not know the structure of the Sustainability Advisory Board or the others, but seemed like they were focused on some of the things as a City and would have a much broader impact if they started educating employers. He said part of it was helping people understand what was going on and create a broader base of people who really got interested and could have a much broader impact.

Commissioner Highberger said he appreciated the presentation. He said he shared the concern of the coordination of efforts with the Mayor's Climate Task Force and the Sustainability Advisory Board. He said other than the Emergency Management components he was hoping a lot of the things would have been taken on by the Sustainability Advisory Board. He said he would like to see a recommendation from staff to ensure we have the coordination down. He

thought it was interesting they brought up the idea of geothermal energy. He thought about providing it as a City utility and there were so many ideas they could make happen; he just wanted to make sure they would not duplicate efforts.

Commissioner Hack said her only addition would be to involve the County as well. She thought it was great if Lawrence, Kansas wanted to get involved. It could be a County wide effort as well. She said the County was facing the fuel costs and the same type of expenses and if they could figure out a way to work with that, they could be in better shape.

Corliss said he would suggest that he, the Mayor, the Assistant City Manager who staffed the Climate Protection Task Force, Poull, Almon, and other interested parties such as people from the Peak Oil Group get together and compare timelines and timeframe. It might entirely appropriate to have a separate group working on those types of things. Staff would place it back on the agenda with a more focused decision regarding educational elements within the community and organization along with specific task items.

Mayor Dever said he thought there were a lot of good ideas people had suggested. He knew there was a sense of urgency and he would like to maintain that sense of urgency. The City had historically put that type of issue off. He thought they were achieving some goals and hopefully they could add some level of the resolution to an individual task force or subcommittee of some sort by the Sustainability Advisory Committee. He was not sure where it would be best placed, but thought they should meet and schedule it immediately.

Commissioner Amyx said he thought a lot of work on the jurisdictional coordination had already been placed in the resolution. He said as he read those supporting documents provided by Moring, Almon and others, if the country was not at its peak yet, it would be soon. If the country was 20 years behind, it was time to deal with the issue.

He said he agreed with the City Manager's comments about making sure efforts were not being overlapped and needed to know if another task force was needed.

Corliss said the Commission could direct staff to schedule a meeting and hopefully it could be placed back on an agenda within the next 30 days.

The City Commission received the report regarding Peak Oil from the Sustainability Action Network. (18)

Consider draft findings of fact that there is no feasible and prudent alternative to granting a demolition permit for the structure located at 1232 Louisiana Street, and whether "all possible planning to minimize harm" has been accomplished for the listed property. In addition, initiate the rezoning of property at 1232 Louisiana to the RM-32 zoning district.

Lynne Braddock-Zollner, Historic Resources Administrator, introduced the item. She said this was a demolition request and the Historic Resources Commission determined the project would damage or encroach upon the listed historic properties on April 17, 2008. The applicant appealed that decision to the City Commission. She said they had their first public hearing on this item on June 10, 2008 and another public hearing on July 15, 2008. At the July 15th meeting City Commission asked staff to draft some findings, come back to the City Commission with some additional information and all possible planning.

She said the feasible and prudent alternative broke down into four categories the City Commission could look at when making these determinations. She said the discussions were incorporated into the draft findings of fact in the resolution that was attached to this agenda item which was the proposed project would remove the structure that had been determined by the Code Enforcement Manager that was determined to be unsafe and dangerous and proposed project would allow for new development opportunities for the neighborhood and City. She said the City Commission asked for some additional information on all possible planning and the definition was given from the regulations from the Historic Preservation Statute. Staff outlined the alternative solutions the City Commission looked at and one was repair, but the discussion at the last meeting determined that was not feasible and prudent. The replacement plan was required by the standards and guidelines for evaluating the effect of projects on the environs.

She said those were the standards the Historic Resources Commission used to review these projects. The applicant did not submit that replacement plan.

She said all possible planning included mitigation and how to mitigate this project or the effect of this project on the listed historic properties. Resolution 6791 identified some mitigation measures for this project. One would be the documentation of the existing structure, rezoning the property to appropriate zoning for the neighborhood, and the future development plans would be reviewed by the Historic Resources Commission for their impact on the listed historic properties.

She said additional mitigation measures the City Commission might wish to consider that were not included in the resolution would be a no building permit to be issued until the Oread Neighborhood Plan, which was adopted in 1979, was updated so the community had a chance to look at what uses were appropriate in this neighborhood in this location. The other would be some type of mechanism to keep the property from becoming a parking lot.

Mayor Dever called for public comment.

Dennis Brown, Lawrence Preservation Alliance, said LPA continued to be concerned that there was no replacement plan for this project. Half of the east side of the block was currently for sale. It was a perimeter block that was very important to an older neighborhood, like the Oread Neighborhood. When they lost a perimeter block as a residential street, then the next one down became the perimeter, that became threatened and on and on. They could not have any better example than why the HRC guideline was in place insisting on a replacement plan and was so important. The stakes were high and the neighborhood and City Commission deserve to know the plan and the City Commission needed to do what they could to avoid letting this applicant sidestep an accepted process. He wanted to be clear on stances made by LPA and the applicant at the last meeting on this item. LPA stated for the record that they would not oppose demolition of 1232 Louisiana if a single lot replacement plan was proposed

that would pass HRC review. This was a compromise position for LPA as they still felt the original portion of the house could be renovated, the back addition torn off and replaced with a new addition and could pass HRC review. The applicant's representative, under questioning by the City Commission, clearly stated that no replacement plan was forthcoming and if the City Commission did not approve the demolition permit, the applicant would let the structure sit without boarding up or fencing and let it further deteriorate. This statement was made even though staff concluded that the structure, as it now existed, was unsafe and dangerous to the public. This applicant was telling the City Commission that if the City did not give them what they wanted on their own terms, they would willfully let those dangerous conditions continue. The City Commission was backed into a corner by this applicant and he did not appreciate the Lawrence City Commission being put in that situation.

As to determining if all possible planning had taken place, they would respond with what planning. He asked if any planning had taken place other than the applicant letting the structure deteriorate a year and a half after purchase and then making the determination that it was not savable. Contrast the current situation with the Oread Inn application last year just one block away. A detailed replacement plan was offered and debated at HRC, neighborhood meetings, and City Commission. Members of the ownership group at the highest level held extensive meetings with neighborhood leaders and tried to incorporate their suggestions. A thorough financial analysis was compiled and paid for by the developer. They still did not know who these people were with this project let alone what their plan was.

He said if the City Commission felt forced to approve a demolition permit to ensure public safety, then they should also dig in their heels to ensure public well being and find ways to protect the rest of this block as single lot structures. He asked how the Oread Neighborhood Plan addressed these issues and if demolitions of structures not deemed unsafe was appropriate. He said if demolitions were approved, the neighborhood needed to consider what

appropriate structures were next to the newly formed historic districts. They also needed to be clear that their decision would not signal to any member of the public that the HRC guideline involving replacement structures no longer applied. HRC did a good job and needed to make sure the public respected that.

He said as they waited for the other shoe to drop, they needed to realize somewhere down the road they may find themselves back on that block being asked to rule that there were no feasible and prudent alternatives to tearing down other houses on the block that were in much, much better condition than this one. The reasoning would be, he feared, that the speculative buyer making the application would tell the City Commission that he bought those houses based on a new project that would be worth which he would state would be substantially higher than what each individual house would be worth after renovation. He said if they wanted to save this block, the City Commission needed to state that they would not support further demolition on the block if the current appraised value of the house plus renovation costs could turn a profit. He said they should let speculators know up front before they purchase properties that was the City Commission's definition of feasible and prudent here. If someone's renovation numbers did not work out because they paid too much for the property, that was the buyer's problem, not the City's.

Price Banks, applicant on the demolition permit, said he was the applicant, and he was not faceless. He also did not utter the words that were credited to him by the previous speaker. He said the property would be secured and would remain boarded up as it was now. He believed that he had indicated that his client would take every effort to keep the property safe and had every time there had been an issue, they had someone out there right away and secured the property. The property was in rough shape and they wanted to take it down. The client was not ready to present any replacement plans at this time. It would be for the good of

the community and good of the neighborhood if the structure on the property was demolished. He said they were asking to please let them take it down and let them get rid of this hazard.

Marci Francisco, Lawrence, said as a neighborhood association, they have been talking about this property for a number of years. She said she hoped they continued to support the Oread Neighborhood Plan which had been and continued to be to preserve existing housing stock. The neighborhood association had only supported demolition when plans for future development had been presented. She had seen in the agenda tonight possible initiation for rezoning and that was another issue that should be looked at very carefully. In living in the Oread Neighborhood for some 30 years, one of her concerns that had existed was the zoning for the properties were greater than what could be built on the property when parking was added. She said at some point and time, it made sense to look at zoning that indicated to a property owner or developer what actually could be built on that property and accommodate the appropriate parking for that density. This might be a good time when initiating zoning to look at that question as to what was the possible area that could be covered in a lot, how much parking would be required, and the appropriate zoning so that they were thinking about this property and thinking about the neighborhood in the future.

Vice Mayor Chestnut said he had reviewed the resolution and they were at a point where there seemed to be some consensus that this structure, as it stood, was not going to be rehabilitated. He had grave concerns about where this was going and about the precedent the Commission was setting. What was obvious when there was a process and it was hard to get one or the other parties to cooperate and end up at an impasse, which was where they were at now, if looking at resolution and item 4, section 2c, he would recommend drafting language about issuance of any permits for the subject property should not occur until completion of a revised Oread Neighborhood Plan as approved by the City Commission. He said they were making a recommendation on the rezoning and this got to a point where Senator Francisco

made regarding RM-32. He asked if they were certain that RM-32 would be appropriate based on parking requirements in the development code.

Scott McCullough, Planning and Development Services Director, said Senator Francisco made some valid points staff had dealt with in the neighborhood in terms of developing to the RM-32 district which was the general area. Typically they could not develop to the highest use in the RM-32 district. The parking was a limiting factor in that. One way the City had approached that was through the HOP Neighborhood Plan and look at this in a comprehensive fashion in a neighborhood planning area and say what the zoning should be given the current code. He said it had been expeditious to say to rezone the area to RM-32 because it was the zoning that surrounded the property and then in the neighborhood planning come up with implementation strategies to look at the zoning as to what it should be based on other factors, such as parking, access and set backs. He said staff could do that today for this one property that would be a spot zone in the area and be truer to what could be developed, but it would be an oddball lot for its surrounding zoning.

Commissioner Amyx said the only way to take care of the concerns of the Preservation Alliance, Senator Francisco, and members of the Oread Neighborhood was if asking for a demolition permit on a piece of property, it would reduce the value to develop it instead.

McCullough said the planning element for the neighborhood plan got at the issue of planning. The plan staff requested in the HRC and was required for the HRC review was meant to understand what was going to go back into its place. Short of receiving that information from the applicant, staff desired that plan to be established by the neighborhood and governing body so that “when” and “if” building permits were issued for that particular property, staff could look at the plan and know that it would meet that plan. When a development project came in, it would likely need to be site planned, perhaps rezoned or replatted, but staff did not know because they did not receive that information from the applicant. He said this took a proactive

response to not getting that planning by the applicant today. It was a valid statement by the applicant that they did not have a plan today. If that was true, they knew the neighborhood wanted a revised plan and was on a list of things to get to soon. Staff wanted to do that for the Oread Neighborhood and wanted future development to comply with that plan.

Commissioner Hack said assume the Commission went through with the resolution granting the demolition permit perhaps with some additional language, then initiating the rezoning of the property in her estimation would go away until such time as an Oread Neighborhood Plan was completed. She asked if this would be typical of what would be zoned in that area at any rate.

McCullough said it was typical of what was zoned at that location today, but that could go away and the university district standards could remain because there would be no permits issued until the neighborhood plan was completed.

Commissioner Amyx asked what could be built in the RM-32 zoning district based on the parking need.

McCullough said typically staff had seen variance requests for that area. Staff would need to look at the area and get back to the City Commission as to what units could be built. It depended on how it was site planned. The property surrounding and parking in the back probably yielded four or five spaces and per code, that did not give very many units.

Vice Mayor Chestnut asked what kind of specifications the City had in terms of maintaining that property after it had been demolished. He said in this case, the proposal was going to be a fairly protracted period of time before anything would be initiated. He asked what standards were in place in maintaining that lot.

McCullough said there was the property maintenance code which covered weeds, debris, trash and those sorts of issues and would be typical codes enforcement process to keep the property maintained.

Commissioner Highberger said he appreciated Commissioner Chestnut's suggestion for amending the resolution but said he would not vote to approve a finding that all possible planning had been done without seeing a replacement plan. The code requirements were clear. As for the rezoning, he supported the initiation of the rezoning to RM-32. If they strip the surface parking, they were limited on what they could do.

Vice Mayor Chestnut said they were looking at an adoption of a resolution and an initiation of a rezoning separately. He said if they were working on moving forward with an initiation of rezoning and go through that process, he asked about the process if there was no idea of what would go in at that location.

McCullough said staff would look at development patterns in the area and surrounding zoning. They would take comments from the public and owner and analyze that information and if initiated to RM-32, staff could use the Table of Lesser Change and the Planning Commission could actually recommend a lesser zoning district if the analysis warranted that. The City could analyze a vacant lot with the surrounding development pattern to an adopted neighborhood plan that would be beneficial and then recommend that zoning district.

Commissioner Amyx said the only one in this room who knew if a replacement plan for this property existed was Banks, who stated there was no replacement plan. He said the Commission was backed into a corner. The Commission had a comment from staff that the building should be demolished. If this structure was not an historic area, it would be something the Commission would have taken action on and declaring this building blighted, given the owner 30 days and then start the process of taking it down. There was a safety issue here. He appreciated the comments made about the zoning, but was not sure that addressed the problem. He appreciated the fact that they probably did not want to limit the zoning, but he did not think this lot was big enough to build under RM-32 zoning. He said something could be

built, but it limited the structures. He said the building was a public safety issue and based on information received from staff this structure probably needed to be removed.

Commissioner Hack said she agreed with Commissioner Amyx. This was a bad situation where the property had not been properly maintained and the Commission needed to address that issue. With the information Zollner provided to the City Commission, she would reluctantly go ahead and approve the resolution with the additional language as provided and initiate the rezoning.

Commissioner Amyx said a question was brought up by the Lawrence Preservation Alliance concerning how to deal with the rest of the block and asked how they made sure the issue of blight did not reoccur on the rest of the 1200 block.

Commissioner Highberger said one option would be rental registration.

Mayor Dever said staff would insert language stipulating that no building permit should be issued for that property until the Oread Neighborhood Plan was updated and approved by the City Commission and the property could not be used as a parking lot once the structure on the property was demolished. Those issues were planning issues unfortunately the planning was not being done by the applicant, but by the City.

Vice Mayor Chestnut said as far as supporting this demolition, he asked what assurances the Commission had in not creating a domino effect.

McCullough said it was very case specific in terms of the decisions that were made on the properties along this frontage. He did not believe the structures in that area were structurally in this sort of shape. He said if other properties came in for demolition permits and went through the HRC process of review, he thought there would be different findings on those properties and would have this history if it was appealed to the governing body if the HRC denied it and stated the structure could be rehabilitated. He said staff would have this knowledge and experience to make decisions on other properties in the future. It was atypical

they did not have replacement plans because owners wanted to replace something very quickly. This was atypical for the district. It was not an easy answer because they did not know what the future held as to what applications the City would receive to demolish structures on that street.

Mayor Dever said he did not find it unusual to try to conform to the neighborhood and thought RM-32 was fine. He thought they should move forward with the conforming use. He said as far as all possible planning as Zollner tried to indicate, someone needed to do the planning and if that had to be the City, they should do it. He said he would like to concur that it needed to be taken down and enforce the rules in place to make sure the site and structure kept in conformance with the neighborhood and whatever went back at that location would not harm the environs.

Commissioner Amyx asked under the current zoning, what could be built on that lot.

McCullough said typically that was a multi-family district, so they were looking at multifamily type structures, but could not say exactly how many units.

Commissioner Amyx said the only concern he had was with the zoning of RM-32.

Commissioner Highberger said the City Commission could initiate it and then have the Planning Commission review it.

McCullough said staff would provide the full analysis of uses and gain an analysis of what could be built on that lot to give the City Commission a better answer on that issue.

Vice Mayor Chestnut said he had a question for the neighbors. He asked if it was better to stare at a building that was atrophied for three years or an empty lot.

Francisco said having stared at a number of both buildings and empty lots, she would say a building because there was always the hope that someone would find a way to make a renovation work and they had seen that over a number of years. If the building was still there, there was always that promise. She said in the case of the Union Pacific Depot, they talked about that building for a long time and it was possible to make the renovation and a very useful

building for the community. She said they would imagine what would be there instead if the building was gone. Their hopes were that a same kind of a building would go back. She would rather stare at an empty lot or dilapidated building more than a four-plex.

Moved by Hack, seconded by Amyx, to adopt Resolution No. 6791, with the additional language provided by staff (Additional language to be added to resolution (from Lynne Zollner) “No building permit shall be issued for the property until the Oread Neighborhood Plan (originally adopted by the Lawrence/Douglas County Planning Commission on March 21, 1979) has been updated and approved by the City Commission.” The property cannot be used as a parking lot once the structure on the property has been demolished.” Motion carried 3-2 (Vice Mayor Chestnut and Commissioner Highberger voted no).

Moved by Hack, seconded by Chestnut, to initiate the rezoning of property at 1232 Louisiana from U (University District) to RM-32 (Multi-Dwelling Residential District). Motion carried unanimously. **(19)**

Consider recommendation from the Traffic Safety Commission to amend the truck route ordinance.

Chuck Soules, Public Works Director, introduced the item. In 2003, the Mayor appointed members from the community and trucking industry to make recommendations on truck routes and truck delivery routes within the City. He said the truck routes consisted of highways in the City, US 59, US 40, K-10 and additional access to the KTA along McDonald Drive and Rockledge. Truck routes were posted on the highways as one entered the City limits.

In 2008, the City received several complaints about truck usage on Haskell and 31st. The streets were designated currently as truck delivery routes. Those streets were requested to be posted and signs were put up showing those were truck delivery routes.

He said on July 1, 2008, the City Commission requested the Traffic Safety Commission to review the designation of 31st Street and Haskell Avenue. On August 4th, 2008, the Traffic Safety Commission met and considered the request. Notices were sent out for the Traffic

Safety Commission to property owners along Haskell, 31st Street and Prairie Park Neighborhood Association. Notices were sent out to any other individuals who had expressed interest about this issue.

The Traffic Safety Commission recommended amending the current ordinance to allow trucks having an origin or destination within the City to use truck delivery routes. This recommendation could have a wide impact, just not on Haskell and 31st Street. Essentially what it said was that any truck making a delivery in town could use any of the designated streets as their route. Trucks would be allowed more frequently on those truck delivery routes.

He said notice of this City Commission meeting was sent to all neighborhood associations and he received two calls, one from Quail Ridge Neighborhood Association and one call from University Place Neighborhood Association with concerns about expanding truck routes within City limits.

He said staff prepared four options for the City Commission to consider which were:

- Option 1: Adopt [Ordinance No. 8311](#) amending Section 17-212 of the City Code consistent with the recommendations of the TSC;
- Option 2: Adopt [Ordinance No. 8309](#) designating the portion of 31st Street within city limits from Iowa Street to the east city limits and Haskell Avenue from 23rd Street to the south city limits as truck routes. A copy of a map showing the amended routes is [attached](#);
- Option 3: Adopt [Ordinance No. 8310](#) authorizing trucks transporting grain to or from a grain elevator during harvest season to use truck delivery routes;
- Refer the matter back to the TSC for a full hearing on the truck route / truck delivery route issue with expanded neighborhood notification.

Commissioner Highberger asked about the wording of the draft of Ordinance 8311. He said the way he understood the current ordinance was if a truck brought something into town to deliver something, it was required to use a truck route and could use a truck delivery route the shortest distance to where they were going, drop it off and come back. He said the way he read the proposed draft language the requirement would not necessarily apply to the trip where the origin or destination were inside the limits.

Toni Wheeler, Legal Services Director, presented the staff report. She said it struck the intra City delivery from the existing ordinance. If the truck had a destination or origin, that truck could deviate from the truck route and use a truck delivery route.

Commissioner Highberger asked if it was regardless if it was the shortest route.

Wheeler said the intent would be to make it by the shortest route.

Commissioner Amyx asked about the agriculture business because its origin did not begin in the City limits. He asked if they had to remain on the truck routes.

Soules said staff assumed they had a destination within the City limits so they would be able to take the truck delivery route. If they were coming in from the west, they could use Clinton Parkway as well as 6th Street.

Commissioner Highberger said if there was a business located on one of the truck routes, they had a truck leaving that business they had to stay on the truck route and not go on the delivery truck route if they were delivering to someone out of town.

Soules said that was correct.

Commissioner Highberger said the way the ordinance was written now, if someone was making a delivery in town, they could use the truck route or truck delivery route on the shortest distance possible. He asked if someone who had an origin in Lawrence could use the truck delivery route to get out of town under Ordinance 8311.

Wheeler said under section B, it stated they shall travel the most direct route between origin and destination using truck routes whenever possible. She said if they were originating from a truck route and wished to get out of town, this ordinance would require them to use the most direct route, which would be a truck route whenever possible. She said staff provided Ordinance 8311 for City Commission consideration, but would not say at this time staff was recommending Ordinance 8311 because it seemed to open up a lot of questions. Staff was recommending the City Commission adopt the ordinance that designated 31st and Haskell as a

truck route to address issues that were of previous concern to the City Commission and consider the grain elevator ordinance, if desired.

Commissioner Hack asked if they could adopt Ordinance 8309 and 8310 because they were dealing with two different issues.

Wheeler said yes.

Mayor Dever called for public comment.

Keith Browning, Douglas County Public Works Engineer, said he was present because the Public Works Department used Haskell daily. It was their main route in and out of town. On the south side of 23rd Street, they could not make a left turn on 23rd Street because of the traffic. They had to make a right turn, going east on 23rd. If they could not go on Haskell to get out of town, they had to continue east and could not go south on 1057 because there was a bridge over the Wakarusa River. They had to continue east to Eudora. Even if they were going to Lecompton, they would have to go to Eudora, go south, and then go around. It was ridiculous. He knew the County had been using Haskell for 20 years anyway. There had not been a problem to his knowledge. Haskell was rebuilt in the mid-1980s. He knew it was not overlaid until a few years ago, but lasted 20 years and always seemed to be in great condition. He said it did not seem it was being hurt, and was not sure what the big concern was.

He was concerned with Ordinance 8309 which would designate part of 31st Street as a truck route. The ordinance stated 31st Street within the City limits and the City limits ended half a mile east of Iowa, then they were in the County. That road was not constructed for trucks. The road was thin and showed it. The County kept patching that road and was waiting for the SLT to happen to have that road reconstructed. They did not put a lot of money in it, just enough to keep it going. It probably had 6 inches of asphalt after all of the patches.

He did not think it was appropriate to encourage through trucks down 31st Street. It was fine for their local trucks that started or ended in the City and needed to use that route, but to

encourage through trucks to go that direction, he did not think was a good idea. He supported ordinance 8311 which was consistent with practice for the past 20 years. He said he would recommend revising the ordinance to reflect what practice had been because that seemed to have worked.

Steve Glass, LRM Industries, said their interest in this issue was they have 47 trucks based in Lawrence that followed under the regulations of the truck route ordinance, which basically applied to trucks with a gross vehicle weight of 26,000 pounds or more. He said 47 trucks was a big number and the changes in this ordinance would have a big impact on their business. He already heard a good deal of confusion tonight about the truck route ordinance and it was somewhat of a confusing situation. He said having served on committees dealing with the truck route ordinance both in 2003 and back in 1987 and 1988 when the previous revision was put in place; he had some knowledge of the issue.

He said he prepared a history of the truck route ordinance and reviewed that history with the Commission. He said the 1977 ordinance was the first truck route ordinance to his knowledge, which did not include the term intra city which was the term that was at issue here. That ordinance restricted through trucks to the highway system as they still had with the truck routes and beyond that did not have a whole lot of regulation or power for the City to regulate. He said in 1987 there was an ordinance considered that was not adopted, but that was the first one that used the intra city term. In 1988, after the 1987 ordinance was considered, there was a committee put together made up of representatives of the Lawrence Association of Neighborhoods and representatives from an entity that existed then called the Lawrence Motor Carriers Association. Those entities met over a period of several months and worked out the compromise that eventually became Ordinance 5865. He said it included the term intra City deliveries and while it made some reference to delivery routes, there were no designated delivery routes.

In 2003 there were some questions raised by some neighborhood associations or LAN and a committee was formed by Commissioner Hack and they spent some time studying this subject. They ended up recommending to the City Commission the ordinance that became 7619, which still included the intra City term and came up with designated delivery routes. He said that was what they had been operating with from that date to today. He said he tried to go back through his notes and determine where the term intra City came from. He did not find it in any of the notes of Lawrence Motor Carrier or LAN's meetings. The best he could determine was it was a term that was put in by staff or outside counsel. He had no recollection in 1987, 1988, or 2003 of any discussions or any intent to say that trucks could not come into the City on a delivery route or could not go out of the City on a delivery route. He said what happened this year was the intra City term had been applied and although he tried to argue the point with the City Manager as to what intra City meant, it meant what it said; trucks and trips originating and terminating within the City. That had not been the practice. For the 20 years since the ordinance in 1988 and for the 42 years he had been in this business, trucks had come in and out of town on Haskell Avenue, in and out of town on Lakeview Road, and a number of other routes that connect between the city and county. He thought that was a big part of what had gotten all those people here and why that had suddenly changed. He understood from a legal point that there had been a reanalysis of the terms, but for 19 or the 20 years since 1988, it was not interpreted that way and none were made to operate that way. It was just this year that suddenly out of the blue that two streets out of all the delivery route streets, they were told they could not enter or exit the City.

He said he was at the meeting with the Traffic Safety Commission on August 4th and they had a thorough discussion of this issue. They came up with what was now Ordinance 8311. He said they supported Ordinance 8311 because it served their needs and most of the trucking industry needs and still provided a reasonable level of protection to the public at large.

He said Ordinance No. 8309 did not work for the County and approving that would not ultimately solve the problem if the County decided to declare their section of 31st Street as no truck traffic. He said Ordinance No. 8310 dealt with trucks hauling grain and only during the harvest season. He said he was not an attorney or a police officer, but it would be a difficult thing to enforce what the harvest season was and it would depend on the crop.

He said Ordinance 8311 solved the problem of deleting the "intra city" term and clarified that trucks whose trips either originate in or trips that came from outside the City and made a delivery in the City might enter and exit the City using a designated truck or delivery route which had occurred for a long time. He said he wanted to emphasize again that ordinance put into practice what had been going on for all those many years.

He said Lawrence really did not have a truck problem, but a street problem. When looking at a map of Lawrence Kansas, there was one street in the entire City that one could drive from the east city limits to the west city limits which was 23rd Street/Clinton Parkway. He said if going north and south arguably there were three streets that could be done on, Iowa Street/McDonald Drive/North Iowa, Kasold Drive, and Wakarusa. There was no place on the east side of town where they could go from the south side of town to the north side of town on one continuous street. They tried several times to do that, but had not been successful. He said they did not think they were going to solve the problem on a short term of a better street system, but still needed to make a provision that allowed trucks to supply businesses and people. They needed to have reasonable ways to get trucks to those locations.

Ordinance 8311 would apply uniformly to all delivery routes. Right now, the current ordinance that was being enforced, the only delivery route to his knowledge, they had been told they could not use to enter and exit the City on was Haskell and 31st. He said Lakeview Road trucks were going in and out of town everyday on Lakeview to 438 Road out to the Lecompton interchange because if those trucks tried to take the turnpike at West Lawrence they could only

go east and trucks trying to get to Santa Fe area could not and need to go out to Lecompton and come back on 438 and Lakeview Road to get to Berry Plastics, K-Mart and other industries in that area.

Locust Street in North Lawrence was the only route to get to ICL's Plant which was outside the City's limits and technically if using the current interpretation of the ordinance, trucks were not allowed to use Locust Street to get to the ICL Plant and interesting enough the City posted signs on the right-of-way directing the trucks how to get to ICL.

He said a portion of Noria Road was in the City and the only sand plant in town was at the north end of Noria Road and there was no way to get to that Plant if enforcing the current interpretation. He said soon after the enforcement of not using Haskell had started, they had a project at Baldwin High School and had a couple of tons of asphalt to haul to that high school. They had a hired trucker that happened to be stopped on Haskell and were told by the officer that stopped him that he could not use Haskell to exit the City. He said the officer told the driver that if any LRM trucks came down that street, he would ticket every one of them. Their route choices to get to the Baldwin High School were to go down 23rd Street to Iowa and out south on Highway 59. He said he did not know why anyone would want to put more trucks on 23rd Street. The other alternative was to go all the way to Eudora and then take 1061 south to Baldwin. It took time and at \$5.00 a gallon diesel fuel, distance had a huge impact.

He said just yesterday the County Commission awarded LRM a contract to repave a section of roadway that started at Highway 59. They were going to have 5800 tons of asphalt that worked out to 375 – 400 truck loads. Normally, if they could drive down Haskell they could come from their plants on K-10 to Haskell, go south and exit the City at 31st and Haskell and go out south taking the Wells Overlook Road to Highway 59 south. Their only alternative now was to send every one of those 400 loads down 23rd Street, adding to the congestion on 23rd Street.

He said if looking at the minutes from the Traffic Safety Commission there was one person present that lived adjacent to Haskell or 31st that showed up. That person had some concerns about the truck traffic and did not appreciate the truck noise. After the discussion, it appeared the Traffic Safety Commission started leaning towards what became their unanimous support for Ordinance 8311. One of the Traffic Safety Commissioners asked the neighbor about how he felt about adopting the language from Ordinance 8311 and the neighbor said he was fine with adoption of that ordinance. The only other person that spoke out against it was a person that used Haskell and 31st Street as a bike route and did not have concerns.

He said there was unanimous support from the Traffic Safety Commission and there was the one strong opponent to trucks on Haskell who was okay with what they approved. Based on that and all the people present tonight concerned about this issue, he asked they approve Ordinance 8311. He supports 8311 with one minor change which was to delete the word "final" in line 3 of section B. He said if a truck was hauling grain in from the farm and taking it to the grain elevator and unloaded the grain, then obviously wanted to go back to the farm, but the elevator was its final destination, it seemed "final" added some confusion.

Lisa Harris spoke in support of Ordinance 8311. She said her concerns about truck routes would be how the roads were built and whether those roads could take the traffic, whether truck traffic would be increased in areas where there were not many trucks now. It seemed they were codifying what they were doing all along. She said the comment about deleting "final destination" made sense. If a truck was going through town and needed to make a stop before continuing on, it seemed reasonable as long as the truck was coming to Lawrence to do business. She said she did not think 31st Street should be a truck route because that street was not designed for truck traffic. She supported keeping things they way they were and codifying with Ordinance 8311.

Loren Baldwin, Douglas County Farm Bureau, said he spoke at the Traffic Safety Commission meeting and they addressed some safety concerns. The Ottawa Co-op received 80 – 100 trucks per day during harvest season. The traffic going down 23rd Street was a large concern and there was concern about congestion.

He said their group supported Ordinance 8311, and were not opposed to Ordinance 8310, but saw some potential problems with that ordinance. If approving Ordinance 8310, which authorized trucks that were transporting grain only during harvest season, he asked who would deem that it was harvest time. He did not think the Lawrence Police Department needed that added burden. They had issues too, because there was a lot of off farm storage too and it was not always during harvest that they were hauling grain to the elevator. With the way the market was today, they needed to market their grain when the price was right. He said he supported either Ordinance No. 8311 or Ordinance No. 8310, but granting those trucks 365 day exemption.

Adrian Derousseau, General Manager Ottawa Co-op, said they delivered to three elevators in Lawrence and was in total support of Ordinance 8311. He said they attended the Traffic Safety Commission meeting and thought everyone expressed themselves very well. He said with Ottawa Co-op running the south elevator, they not only took in close to a million bushels of grain, but they took on the extra expense to try to alleviate some of the farmer problems with bringing those trucks in. A number of those farmers coming in were running semi trucks, 30 days a year and get good at running their semi trucks when harvest was over. They had taken on the burden of transferring a lot of the grain from south Lawrence into North Lawrence. This was something they did not need to do, but were concerned about the traffic flow and the difficulty of congesting those streets. He said he had been with his company for 31 years and the routes they had been taking worked well and hopefully they could continue to run in grain that way.

He said they also brought in about 1,000 tons of fertilizer and south plant was the only dry plant in this area. Not only did they bring the fertilizer in, but they were bringing custom rigs and large trucks in to Lawrence, so they needed that flexibility to bring those trucks into Lawrence in a safe manner. He said they supported Ordinance 8311 because there were too many issues with the other ordinances.

Robert Albers, Lawrence, said one of his drivers was pulled over on Haskell and told he had to go around the other way. If they did what the officer stated they would have had to go all the way around and back up 23rd Street. He wondered why they wanted truck traffic on 23rd Street. He said at 23rd and Iowa, there were three tractor trailers back to back and the traffic light had to change three times in order for all three tractor trailers to get through. He asked why they could not build two left hand turn lanes going south. He said if putting traffic on 23rd Street, they were going to make people mad. He said 31st Street was the bypass since there was no bypass. They did not want to be on 23rd Street and were trying to avoid going through town.

Michael Almon, Lawrence, asked if Ordinance 8311 would designate 31st and Haskell as a truck route or would it delete the intra city to let them use it as a truck delivery route.

Mayor Dever said it would delete the term intra city.

Almon said he agreed with Keith Browning that 31st Street was totally inadequate. He could see the Ottawa elevator trucks coming up Highway 59 and then heading east to the south elevator would want to go on 31st Street instead of 23rd Street. He thought that would be preferable. He said for him it would not be a problem for trucks using Haskell. There were a lot of trucking industries along Haskell that would be using Haskell. He said 31st Street was a different question as far as proximity of any businesses that would use trucks much less the composition of the road. He said he did not see this ordinance directing the trucks on 458 or 1000 Road as opposed to 31st Street, and he would prefer that the ordinance not allow 31st

Street as an option because of what Keith Browning pointed out. He said he did not know if the wording could be changed to accommodate his concern. He said his other issue was the farms trucks, if they wanted to come up Haskell Avenue to the south elevator, he would not prefer those trucks going further north on Haskell and was not sure if that was the route to take. He asked if this ordinance would allow trucks to go further north on Haskell. He said 15th and Haskell was a substandard intersection right now and the streets along north Haskell were not capable of handling those trucks. He said not knowing exactly how the ordinance worked and what the wording was, his concern was that 31st Street not being an option and going north on Haskell not be an option.

Monte Milstead, Heetco, said he had a vested interest in the south elevator because he owned that elevator. They had warehouses and a propane plant in that area where trucks that use Haskell get to that area. He said he supported Ordinance 8311 because those trucks needed to get in and out of the City without being on 23rd Street.

Michael Caron, Lawrence, said he had known for quite a few years a number of people that were bothered by the trucks on 31st Street. He really did not understand why all the sudden the City was trying to establish truck routes and asked if this was a behind the scenes move to try and get 31st Street declared a truck route. He said he thought he supported Ordinance 8311 because it seemed it was allowing the status quo to continue. Although he did not like the trucks out there, he understood the need until they established the SLT. He understood the need and wanted to be reasonable about it. He said this issue with truck routes came up very fast and wondered if it was not reasonable to bring the issue back to the traffic division and give proper notification to the neighborhoods so they could address the issue. He thought the one or two people that showed up were indicative of the time of year and last minute notification and not because no one cared about this issue.

Commissioner Highberger asked if Browning had any concerns about the designation of 31st Street as a delivery truck route and the level of traffic under that current designation.

Browning said that area was status quo and he was okay with that designation. He said he did not want to encourage more trucks using that area because that street was not built for truck traffic, but again, they could live with the status quo.

Commissioner Amyx said Ordinance 8311 seemed to take care of a lot of concerns where it was not going to improve new routes, other than 31st Street as a delivery route. He said that ordinance codified what was already going on with those trucks.

Commissioner Hack agreed. She said the task force discussed the concept of taking the shortest and most direct route and she did not see too many people with grain trucks traveling down neighborhood streets to avoid stop lights. If someone was going from point A to point B as quickly and efficiently as they could.

She said she appreciated the comments about 31st Street because they did not want to create more issues than they had already and getting vehicles off of 23rd Street was critical. She supported Ordinance 8311.

Commissioner Amyx also supported removing the word "final" from final destination.

Commissioner Highberger said he could not support Ordinance 8309. It would open up Haskell to 23rd Street for truck traffic and thought that would be a disaster. He said he could support Ordinance 8311 because it was status quo.

Vice Mayor Chestnut agreed with Commissioner Highberger. Lacking a lot of neighborhood comment, he did not think there would be a lot of change in the behavior and agreed truck traffic needed to be moved off of 23rd Street. It was going to be an ever evolving issue, especially as they continued to modify, change and improve the street grids. At this point it was the best answer and the Traffic Safety Commission put a lot of effort into this issue as well.

Mayor Dever said it was interesting when they were trying to resolve an issue of reality versus what was written in the law. It was important to establish a route and enforce the law when it made sense. He said clearly moving the intra city standard helped. He was concerned as to why staff preferred the other ordinance and asked if it was because of the all encompassing effect.

Wheeler said yes. Neighborhood notification seemed to be a priority.

Mayor Dever said he did not want to create a de facto on 31st Street instead of 23rd Street. The intention was to serve the members of the community and outlying community to stop trucks from getting ticketed for doing what those trucks had been doing all along.

He said if the neighborhood had not been adequately notified, he could pass, but there was a preponderance of support they could move forward.

Vice Mayor Chestnut said the other alternative proposed about creating 31st Street as a truck route, he thought Louisiana Street would be more exposed. He said if they started moved things around there would be more unintended consequences on other options. He said at least they could adopt something they considered was close to the status quo and continue to evaluate it.

Moved by Amyx, seconded by Hack, to place on first reading, Ordinance 8311, amending Section 17-212, of the City Code consistent with the recommendations of the Traffic Safety Commission and as amended by deleting the word "final" in Section 1, subsection (B). Motion carried unanimously. **(20)**

PUBLIC COMMENT

James Grauerholz, Lawrence, said he was going to discuss the Burroughs Creek Rail/Trail, drainage, water shed and trunk sewer water mains. He was pleased and grateful for the progress made. However, he had a little warning, the City applied for a TE grant from KDOT. The engineer in charge at the time happened to be a personal friend, but fortunately his

friend was no longer in charge when the grant was approved. The grant request was for \$500,000 on an \$845,000 Phase 1 on the rail/trail paving project. Every time a question was asked in the public record about property acquisition, it was always explained by everyone signed off on the TE application, the storm water utility would pay for the property acquisition.

He asked if the resolution that included the general obligation bonds was passed.

Corliss said the resolution was approved.

Grauerholtz said that was general obligation bond money and not wastewater utility. He said in the Wastewater Master Plan, Black & Veatch did a 10 year design storm estimate and found one pipe maxed out and another three foot diameter pipe was at more than 200% capacity. He said they would need access to those things. The state could not afford to make it wide enough for both trunk sewers so they had to pick one. Now, the \$350,000 to match the TE grant was contingent on the passing of the sales tax proposal in November. He said he wanted to read to the Commission a couple of lines from a person who was now in charge of the system-wide transportation long-range planning for Kansas. He said for the record:

“The Burroughs Trail Project was one of only a handful of projects selected this year after a very competitive application process. One of the major reasons was because the City was committed enough to the project that they went well above the minimum 20% match. If the City had informed KDOT they planned to fund this project pending only a ballot initiative, the project almost certainly would not have been selected for funding. KDOT understood that fiscal realities changed, but the City should realize that if the City could not come up with their share, they risked losing the project and credibility for future transportation enhancement projects. It was extremely rare for KDOT to cancel a TE project, but it was a tight budget times and if the City was not committed to a project, KDOT could be forced to take action to spend dollars in a community that was committed to keeping it in the budget to where it always said to be.”

He said in the TE application last November, it stated that it was in the City's 2008 Budget signed by Shoeb Uddin, City Engineer. It was however, quite common for a City to be overlooked on a new project request when the City had an outstanding project with fiscal hang ups.

David Corliss, City Manager, said he would like a copy of the email because the City would like to talk to that person's supervisor because the City was getting different information from KDOT. He said KDOT generally understood the City's plans and the City was trying to proceed in doing the project. He said it was not uncommon for the City to have miscommunications with different links of KDOT. His recommendation was to do the project, but it would be very helpful for the community to step forward with additional resources for infrastructure. He said \$350,000 was a lot of money when it came to fixing streets in this town.

Grauerholz asked what happened to the TE Grant application because a half a million dollars was awarded.

Corliss said if the issue did not pass the sales tax vote, the City would fight to try and get KDOT to keep the money obligated for the year the City would have funds to do that project, but he was not all that optimistic about it.

Almon said if he understood then, if the sales tax doesn't pass, then the City doesn't have any immediate contingency budgeting plans.

Corliss said that was correct.

Almon asked if it could possibly be in a future budget.

Corliss said it would compete with a lot of other projects and it will compete against rebuilding a lot of streets that we won't have resources to rebuild.

Almon said from his perspective as a Sustainability advocate, it would be money well spent that would take a lot more traffic off some of the streets, the auto traffic which, probably over time, is going to see attrition, which is already occurring nationally and internationally which

is why oil process have dropped, simply because people are driving less. That attrition is going to take place, and I think providing the alternative infrastructure could very well be good money spent, and a priority that we should look at.

Corliss said we'll see if we get the sales tax passed and we won't have to worry about that issue.

Almon said he was just looking to the future. He thanked Corliss for all his work and thanked the Commissioners too for all their work.

FUTURE AGENDA ITEMS:

- 08/19/08
 - Consideration of airport industrial park annexation and rezoning items.
 - Adopt on second and final reading Ordinance No. 8305, adopting and appropriating by fund the 2009 budget and Ordinance No. 8306, noting the necessity of appropriating/budgeting property tax revenues for 2009 in excess of that which was appropriated/budgeted for 2008.
 - Adopt on first reading, Ordinance No. 8307, establishing water and sewage disposal rates for 2009, Ordinance No. 8308, establishing system development charges for water utility and wastewater utility connections for 2009, and Ordinance No. 8309, establishing solid waste service rates for 2009. Approve the wholesale water rate for 2009.
 - Consider adopting revised sidewalk dining ordinance and compliance procedures. Staff has met with interested stakeholders prior to placement of this item on a City Commission agenda.
 - TIF & TDD policies
 - Discussion on City options concerning former Farmland property
- 08/26/08
 - Adopt on second and final reading, Ordinance No. 8307, establishing water and sewer rates, Ordinance No. 8308, establishing system development charges, and Ordinance No. 8309, establishing solid waste rates.
- 09/09/08
 - Oread Inn distance restriction waiver public hearing.
- 09/16/08
 - Receive presentation of results of Recycling Survey.
- 10/28/08
 - Employee Service Awards.

TBD

- Receive staff memo regarding green burials.
- Consider a request for a marked crosswalk together with pedestrian refuge islands on Louisiana Street adjacent to Dakota Street (Considered by the City Commission and referred back to the Traffic Safety Commission on 05/06/08).
- Consider request for changes to the definition of “street vendor” in city code to allow art services and provide for the granting of a street vendor license for said services.
- Consider city laws regarding the keeping of live fowl and domesticated hedgehogs in the city limits.
- ***This item deferred from June 10, 2008.*** Consider approving CPA-2004-02, a Comprehensive Plan Amendment to Horizon 2020, Chapter 7: Industrial and Employment Related Land Use and consider adopting on first reading, Ordinance No. 8283, for Comprehensive Plan Amendment (CPA-2004-02) to Horizon 2020, Chapter 7. (PC Item 11; approved 7-2 on 5/21/08)

ACTION: Approve CPA-2004-02, amending Horizon 2020, Chapter 7, and adopt on first reading ordinance 8283, if appropriate.

- Consider the following items related to Lawrence SmartCode:
 - a) Consider approval of CPA-2007-6, a Comprehensive Plan Amendment to Horizon 2020 by creating Chapter 15 – Place Making to ensure proper comprehensive plan language is in place for the proposed Lawrence SmartCode in the City of Lawrence. (PC Item 13; approved 8-0 on 5/21/08)

ACTION: Approve CPA-2007-6, an amendment to Horizon 2020 by creating Chapter 15 - Place Making, if appropriate.

- b) Consider approval of CPA-2007-7, a Comprehensive Plan Amendment to Horizon 2020, Chapter 14 Specific Plans, to add a reference to the Lawrence SmartCode Infill Plan. (PC Item 14; approved 8-0 on 5/21/08)

ACTION: Approve CPA-2007-7, an amendment to Horizon 2020, Chapter 14 Specific Plans, if appropriate.

- c) Consider adopting Text Amendment TA-11-24-07 regarding the Lawrence SmartCode and, Pursuant to the provisions of K.S.A. Chapter 12, Article 7, enacting a new Chapter 21 of the Code of the City of Lawrence, Kansas, establishing comprehensive zoning regulations and other land use regulations. The “Lawrence SmartCode” is an optional development code that is parallel to the City’s existing zoning and subdivision

regulations and affects all property within the corporate limits of the City of Lawrence, Kansas. Copies of the "Lawrence SmartCode" are available for review at the Office of the Lawrence-Douglas County Planning Department, City Hall, 6 E. 6th Street, Lawrence, Kansas. The "Lawrence SmartCode" is also available at www.lawrenceplanning.org. Adopt Ordinance No. 8286 on first reading regarding TA-11-24-07 for the Lawrence SmartCode. (PC Item 15; approved 8-0 on 5/21/08)

ACTION: Approve TA-11-24-07 regarding the Lawrence SmartCode and adopt Ordinance No. 8286, if appropriate.

- K-10 and Farmer's Turnpike Plan.
- Consider approving Text Amendment, TA-03-01-08, to amend Article 4 of the Development Code relating to uses permitted in the GPI District. Initiated by Planning Commission on 3/24/08. (PC Item 4; approved 8-0 on 6/23/08)

ACTION: Approve TA-03-01-08, if appropriate.

- Draft Rural Water District #5 contract – awaiting finalization with RWD and City.
- Consider Z-05-12A-08, a request to rezone a tract of land approximately 3.324 acres from RSO (Single-Dwelling Residential-Office) to CN-2 (Neighborhood Shopping Center), located on the SW corner of Clinton Pkwy and Crossgate Drive. Submitted by Mission River LLC, for Inverness Park Limited Partnership, property owner of record. Adopt on first reading, Ordinance No. 8303, rezoning approximately 3.324 acres (Z-05-12A-08) from RSO (Single-Dwelling Residential-Office) to CN-2 (Neighborhood Shopping Center), located on the SW corner of Clinton Pkwy and Crossgate Drive. (PC Item 3A; approved 5-4 on 7/21/08)

ACTION: Approve Z-05-12A-08, a request to rezone approximately 3.324 acres from RSO (Single-Dwelling Residential-Office) to CN-2 (Neighborhood Shopping Center), located on the SW corner of Clinton Pkwy and Crossgate Drive, and adopt on first reading Ordinance No. 8303, if appropriate.

- Consider approval of CPA-2008-10, a Comprehensive Plan Amendment for Horizon 2020 Chapter 6, Commercial Land Use, to include the SW corner of Clinton Pkwy and Crossgate Drive as a potential location for a new Neighborhood Commercial Center. Adopt on first reading, Ordinance No. 8299, for Comprehensive Plan Amendment (CPA-2008-10) for Horizon 2020 Chapter 6, Commercial Land Use, to include the SW corner of Clinton Pkwy and Crossgate Drive as a potential location for a new Neighborhood Commercial Center. (PC Item 2; approved 5-4 on 7/21/08)

ACTION: Approve CPA-2008-10, a Comprehensive Plan Amendment for Horizon 2020 Chapter 6, Commercial Land Use, to

include the SW corner of Clinton Pkwy and Crossgate Drive as a potential location for a new Neighborhood Commercial Center, and adopt on first reading Ordinance No. 8299, if appropriate.

- Consider approval of Text Amendment TA-12-27-07, to Section 20-1101 and 20-1701, Lawrence City Land Development Code, relating to environmentally sensitive lands. Adopt on first reading, Ordinance No. 8304, an ordinance providing for the amendments to Section 20-1101 and 20-1701, Lawrence City Land Development Code, relating to environmentally sensitive lands. (PC Item 18; approved 7-1-1 on 7/23/08) **Please note: This item will be reheard by the Planning Commission to consider additional language to make other articles consistent with the proposed text.**

ACTION: Approve TA-12-27-07 to Section 20-1101 and 20-1701, Lawrence City Land Development Code, relating to environmentally sensitive lands, and adopt on first reading Ordinance No. 8304, if appropriate.

- **Consent Agenda Item:** Approve Text Amendment TA-06-10-08, to Section 20-806(d)(1), Subdivision Regulations, to clarify the number of RDPs that may be created based on the classification of the bounding roads. Initiated by County Commission June 23, 2008. (PC Item 16A; approved 9-0 on 7/23/08)
- **Consent Agenda Item:** Approve Text Amendment TA-12-26-07, to Section 20-806(b)(3) and 20-806(d), County Zoning Regulations, to clarify that a parent parcel may be divided to create 1 residential development parcel, and is not required to create 2 or 3. Initiated by the Planning Commission November, 26 2007. (PC Item 16B; approved 9-0 on 7/23/08)
- **Consent Agenda Item:** Approve Text Amendment TA-06-11-08, to Section 20-804, 805 and 806 to include requirement that RDPs must comply with the lot requirements in Article 18, County Zoning Regulations. Initiated by County Commission June 23, 2008. (PC Item 17; approved 9-0 on 7/23/08)
- **Consent Agenda Item:** Approve Text Amendment TA-05-09-08, to Chapter 20, Article 8 of Lawrence City Code and Chapter XI of Douglas County Code (Subdivision Regulations) that require the submittal of a certificate that all taxes or special assessments due and payable for properties included in Certificates of Survey or Minor Subdivision requests have been paid. Initiated by County Commission April 14, 2008. (PC Item 6; approved 9-0 on 7/21/08)
- **Consent Agenda Item:** Approve Text Amendment TA-05-08-08, to Chapter 20, Article 8 of Lawrence City Code and Chapter XI of Douglas County Code (Subdivision Regulations) that define "Easement, Cross Access", clarify the process for creating such easements, and provide

minimum construction standards for access drives within such easements. Initiated by County Commission April 14, 2008. (PC Item 5; approved 9-0 on 7/21/08)

- Consider resolutions changing the name and mission statement of the Lawrence Arts Commission.

COMMISSION ITEMS: None

Moved by Chestnut, seconded by Hack, to adjourn at 11:40 p.m. Motion carried unanimously.

APPROVED:

Michael H. Dever, Mayor

ATTEST:

Frank S. Reeb, City Clerk

CITY COMMISSION MEETING OF AUGUST 12, 2008

1. Bids - 2008 Overlay Program, Phase 3, to KS Heavy Construction, R.D. Johnson, & LRM.
2. Ordinance No. 8294 – 1st Read, Chapter 5, Article 10, ground fault circuit interrupter for kitchen countertop & bathroom receptacles.
3. Ordinance No. 8312 – 2nd Read, Charges for ambulance services.
4. Ordinance No. 8313 – 1st Read, GOB financing and refinancing real estate.
5. Resolution No. 6787 – GOB 19th & Louisiana, repeal Resolution No. 6762.
6. Resolution No. 6784 – GOB/Temp Notes, series 2008-I, GOB, Series 2008-A.
7. Resolution No. 6783 – Max annual bonding as \$685,000.
8. Bids – 18th & Maine traffic diverter to Asphalt Improvement for \$27,471.
9. Resolution No. 6788 – amend Res 6728 to include mid-block pedestrian signals for 900 blk of NH.
10. TDD – Bauer Farms Development, 6th & Wakarusa.
11. Temp Use of ROW – Lawrence Busker Festival, Aug 22 – 24th.
12. 2 Releases of Mortgage for Penny Sullivan, 2236 E Dr.
13. City Manager's Report.
14. Ordinance No. 8305 – 1st Read, 2009 City Budget.
15. Ordinance No. 8306 – 1st Read, appropriating/budgeting tax revenues for 2009.
16. Resolution No. 6792 – additional .05% sales tax for transit purposes.
17. Peak Oil presentation from Sustainability Action Network.
18. Resolution No. 6791 – rezone 1232 Louisiana U to RM-32.
19. Text Amendment (TA-04-03-08) define & permit various homeless facilities in certain zoning districts.
20. Truck Route ordinance to TSC.