

Speaker 1 ([00:09:57](#)):

Okay, good evening and welcome to the August 5th, 2025 Lawrence City Commission meeting. The first item on our agenda is to consider a motion to recess into executive session. The action would be to recess into executive session for approximately 20 minutes to discuss privileged legal communication from the city's attorneys regarding laws and their application to city operations pur to A KSA 75 dash 4 3 1 9. Part B to justification of the executive session is to keep attorney-client privilege matters confidential. At this time, city Commission will resume its regular meeting in the city commission room at approximately 5:21 PM after the executive session is concluded, is there a motion?

Speaker 2 ([00:10:42](#)):

I so move.

Speaker 1 ([00:10:43](#)):

Second. Second. Okay. Motion. Motion by Little John second by Larson. All in favor say aye. Aye. Okay. Motion passes four zero with Fin dye absent

Speaker 3 ([00:31:42](#)):

And

Speaker 1 ([00:31:43](#)):

Nothing was decided and there was no action taken in that meeting. Next item is to consider a motion to recess into another executive session. Would anyone else like to read the action?

Speaker 4 ([00:31:56](#)):

I move. We recess into executive session for approximately 20 minutes to discuss the possibility of acquiring real property in the city pursuant to the exception under KSA 75 43 19 subsection B six for the preliminary discussion of the acquisition of real property, the justification of the executive session is to keep the possible terms and conditions of the property acquisition confidential. At this time, the City Commission will resume its regular meeting in the city commission room at approximately 5:43 PM after the executive session is concluded.

Speaker 1 ([00:32:26](#)):

Second. Okay. That is a motion by Sellers seconded by Littlejohn. All in favor say aye. Aye. Aye. Aye. Those opposed. Motion passes. Four zero Think dye is still absent

Speaker 3 ([00:54:10](#)):

Back from

Speaker 1 ([00:54:11](#)):

Our second executive session and we have nothing to report. The next item on the agenda is executive session item three, which is to consider a motion to recess into executive session. The action is to recess into executive session for approximately 15 minutes to discuss employer employee negotiations pursuant to the employer employee negotiations exception as set forth in KSA 75 dash 43 19. E three. Justification for the executive session is to keep employer employee negotiating matters confidential. At this time, city Commission will resume its regular meeting in the city commission room at six o'clock after the executive session is concluded, is there a motion

Speaker 5 ([00:54:52](#)):

Move to recession to executive session?

Speaker 1 ([00:54:55](#)):

Second. Okay. That's a motion by Larson. Seconded by Little John. All in favor say aye. Aye. Aye. Those opposed. Motion passes three zero Finkle Dye Sellers abstaining.

Speaker 3 ([01:10:48](#)):

Third

Speaker 1 ([01:10:48](#)):

Executive session and we have nothing to report. Next item is for our city clerk to read the rules of the meeting please.

Speaker 6 ([01:10:59](#)):

Good evening everyone. If you would please silence your cell phones and other devices. The primary format for accessing the meeting is in person at City Hall. Virtual access cannot be guaranteed due to potential technology issues. When the mayor calls for public comment, please approach the podium to indicate you wish to speak. Virtual participants should use the raise hand function. When prompted, select join as panelist. There will be a brief delay as your role changes. Once your name is called, please unmute and turn on your camera to provide your comments. Please state your name and zip code before providing your comments. All comments will be limited to three minutes. The city reserves the right to turn off or mute participants. Thank you Mayor.

Speaker 1 ([01:11:50](#)):

Thank you very much Sherry. Okay. The next item on our agenda is to approve the agenda. The city commission reserves the right to amend, supplement, or reorder the agenda during the meeting. Is there a motion to approve the agenda as it stands?

Speaker 7 ([01:12:04](#)):

Move to approve the agenda. Second.

Speaker 1 ([01:12:06](#)):

Motion to approve the agenda by Finkel Dye. Second. Aye. Larson All in favor say aye. Aye. Aye. Opposed? Motion passes. Five zero. Okay. The next item on our agenda is to do a proclamation related to Dorothy Singleton Harvey and I believe David Wilkinson is here to receive this proclamation and recognition. I should say. David, would you like to speak a few words prior to this?

Speaker 8 ([01:12:29](#)):

Sure. Thank you. I appreciate it. I bring your greetings from our senior pastor Rachel Glenn Williams and the members of St. Luke a ME. And we thank you and Mother Harvey would say this, please join us at church on Sunday at 10 or 11. St. Luke a ME appreciates

Speaker 1 ([01:12:52](#)):

You. Thank you very much for coming and for bringing this to our attention. I'm going to go ahead and read the recognition right now. Whereas Dorothy Singleton Harvey, a beloved lifelong member of the

Lawrence Kansas community, we'll be celebrating her 100th birthday on August 11th, 2025, affectionately known as Mother Harvey. She's loved by all and whereas Mother Harvey's father was a railway clerk and her mother a teacher, her grandmother was a child of a slave master relationship and her grandfather was a Cherokee Indian. She also had a Cherokee and white ancestor on her father's side. She grew up in a segregated area of Kansas City, graduating from Sumner High School and later attended the University of Kansas and where she married Dean Harvey, whom she met at KU, they farmed southeast of Lawrence. The Harveys had three children. Dorothy had been active in St. Luke AME church and the Civil Rights movement in Lawrence for decades.

(01:13:42):

She still lives on the farm, the family farm, which is operated by her grandsons and whereas her grandmother was Mary Snell Craig born in Texas and the child of a slave woman and her master as her grandmother had read hair and looked so much like the child in the big house. Her grandmother was given her freedom and left Texas and settled in Missouri. Her grandfather was Andrew Craig, a Cherokee Indian and whereas Mother Harvey is a stalwart member of her church, St. Luke AME and the Greater Lawrence Kansas area whose grace, beauty and countenance are only exceeded by her deep love for God and whereas we joined together in a course of joy, gratitude and love to celebrate our beloved mother Dorothy Harvey's 100th birthday on August 11th, 2025. Now therefore, I'm Mike de Mere, the city of Lawrence, Kansas. Along with my fellow commissioners hereby recognize Dorothy Singleton Harvey and wish her a happy 100th birthday.

Speaker 9 (01:14:37):

Thank you

Speaker 1 (01:14:38):

David.

(01:14:48):

Okay, the next item on the agenda is the consent agenda and items on the consent agenda are considered under one motion and approved by one motion. Members of the governing body may remove items for separate discussion if desired, members of the public may remove items identified as quasi-judicial for separate discussion if desired, members of the public will be limited to three minutes of comments on those items. And I had item D eight A asked to be removed. Yes, I'd like to pull D eight A and I do know there's quasi additional item D nine. Would anyone like that pulled or is it good? Okay, seeing none, is there a motion to approve the consent agenda excluding D eight A?

Speaker 6 (01:15:27):

We need to make sure the public doesn't want to pull that item.

Speaker 1 (01:15:33):

Quai judicial. Sorry I didn't see anybody.

Speaker 6 (01:15:36):

That's okay. I just want to make sure online before we

Speaker 7 (01:15:39):

Thank you there. Okay, thanks. Okay, move to approve the consent agenda

Speaker 1 ([01:15:46](#)):

With the exception of B eight A second. Okay. Motion by Finkle Dice, seconded by Larson. All in favor say aye. Aye. Those opposed? Motion passes. Five zero. Okay, item D eight A

Speaker 7 ([01:15:58](#)):

I pulled D eight A I got a couple emails. I don't see Candace Davis or mostly Francisco here, but the concern was about this is a change to a proposed change to the Oad neighborhood and there's just some questions about if we were approving something or if this is just the start of the process. So I don't know if Lynn or Jeff or someone wants to talk through the process.

Speaker 6 ([01:16:26](#)):

Lynn is on line. I just need get a hold over quick

Speaker 7 ([01:16:32](#)):

And I'll just say while we're pulling your ovo my under our code members of the public and ask for changes or the city commission can or the planning commission can, this is a member of the public asking for a change to the oy ad and under the code we have to let that process start. But Lynn, if you could talk that through a little bit.

Speaker 10 ([01:16:58](#)):

Good evening Mayor, vice Mayor and commissioners Lynn Bradner, historic resources administrator and the planner who is shepherding through request for a text amendment to the ED design guidelines. As Vice Mayor Finkel mentioned, this is the very beginning of this process and we anticipate a robust community involvement as part of this similar to what we did when we had the neighborhood plan and the design guidelines. So what we anticipate from this point forward is if the commission chooses to initiate this project, it will have public hearings before the Historic Resources Commission because they are the body that originally did the design standards. It will have a public hearing before the planning commission and it will have a public hearing when we bring back all those recommendations to the city commission. In addition, when we're working with the neighborhood plan and design guidelines like this, we'd like to go ahead and have public meetings. We haven't scheduled anything like that yet, waiting to see if the city commission was going to initiate the text amendment. If you do initiate the text amendment this evening, we will certainly be having neighborhood meetings where everyone who's involved in the neighborhood can participate in what this text amendment looks like if it goes forward or if there are changes. All those kinds of things that we research with the text amendment.

Speaker 7 ([01:18:42](#)):

And to be clear, I mean one possibility is what comes to us is recommendation for no change.

Speaker 9 ([01:18:49](#)):

Correct.

Speaker 7 ([01:18:50](#)):

Yeah. Thank you for that explanation.

Speaker 1 ([01:18:54](#)):

Thank you for bringing it up. Any public comment?

Speaker 7 ([01:19:09](#)):

Here's Mrs. Any other questions? No, I'm just glad we got those questions answered and look forward to the process. Agreed. Do I have to read this entire

Speaker 1 ([01:19:21](#)):

You certainly.

Speaker 7 ([01:19:22](#)):

Okay. Since I pulled it, I guess I'm punished for hereby move we initiated text amendment A MDT dash 25 dash zero four to revise the statement on page 80 of the Oad Neighborhood Design guidelines 2016 edition to remove the requirement of 7,260 square feet for a duplex lot size in chapter five, a district one dash load density to remove the restriction of creating and modifying lots to accommodate the construction of duplexes or other high intensity residential drillings and replace all instance of duplex with two unit dwelling in the entire document to be consistent with the newly adopted land development code.

Speaker 4 ([01:20:03](#)):

Second.

Speaker 1 ([01:20:05](#)):

Okay, I have a motion by fin, seconded by sellers. All in favor say aye. Aye.

Speaker 7 ([01:20:09](#)):

Aye.

Speaker 1 ([01:20:10](#)):

Those opposed. Motion passes five zero and that was just D eight a, correct? Correct. You pulled correct. Okay, thank you. Alright, move on to our regular agenda items. First it's conduct a public hearing on requested industrial revenue bond property tax abatement for the peaks of Lawrence mixed income housing development and to consider adopting resolution number 7 6 1 7 amending resolution number 7 5 2 4 which declared the city's intent to issue industrial revenue bonds of up to \$11 million and declaring the city's intent to issue additional revenue bonds in the amount of 14,750,000 and granting a 10 year 65% property tax abatement.

Speaker 11 ([01:20:53](#)):

Good evening mayor and commissioners, Brandon McGuire, assistant city manager and mayor. Thanks for reading that. That's a bit of a mouthful for agenda item set up and I'll explain that here briefly and then hand over the presentation to the city's financial advisor from Baker Tinley municipal advisors, Tom Calico. We're also joined tonight by the applicant's representative Pat Watkins and he'll provide some bit of a presentation after Mr. Calico finishes. So I'm actually filling in for our affordable housing administrator, Leah Roseland tonight. So my technical depth and knowledge on this project is not as deep as hers but I will do my best. This development, the peaks of Lawrence is located approximately at six and Branchwood or Queens. Queens is on the, just for reference on the north side of sixth Street, Branchwood ISS on the south side of sixth Street. Most people might recognize this property as kind of the old white sort of farmstead looking property as you're heading out on West sixth Street, although I think recently there's been some dirt work to do some remediation there so it looks a little bit different today.

(01:22:09):

This is a 42 unit senior affordable housing development for senior population 55 and older. The application originally for this project included a request for A IRB sales tax abatement and a neighborhood revitalization area. The applicant since revised that request and instead is now requesting a property tax abatement IRB as well as a sales tax abatement through the IRB. The commission had previously adopted the resolution of intent for the sales tax IRB, which is why the action tonight after the hearing would be to amend that resolution and then the new resolution that you would be adopting tonight would not only amend it but then establish the intent to issue the property tax abatement IRB as well. So with that, I'll turn it over to

Speaker 12 (01:23:10):

Tom.

(01:23:11):

Thank you. Thank you Brandon. Good evening Mayor. Members of the commission, Tom Calico with Baker Tilly Municipal Advisors. As I always do at the outset of this, just want to clarify that I neither I personally or my firm has any financial interest in this project. So an overview, repeating a little bit of what Brandon said. This is an infill site containing a vacant home located at the southwest corner of sixth Street and Queens Road. Site's about 2.3 acres we're about a hundred thousand square feet of area. The project as proposed is a 43 unit mixed income. Senior apartments age restricted to 55 and over eight units will be restricted to 30% or less of a MI 14 units restricted to 40% or less of a MI and 12 to 60% or less with eight market units, eight market rate units. The affordability period will be for 30 years.

(01:24:13):

This is the sources and uses of the project. It's a little over a \$13 million project. You can see that it is supported by a range of different uses, private debt and equity as well as housing tax credits. The bulk of the project cost of course is for the construction of the improvements. I will note there's a little bit of a discrepancy in your report. You'll see that the project cost is listed as \$12 million in some odd change. The difference there is noted at the bottom in the fine print that the 12 million and change figure does not include contingency. What you're seeing on the screen does include a contingency.

(01:24:53):

The requested incentive as Brandon mentioned, is property tax abatement through the issuance of industrial revenue bonds. The request is for 65% property tax abatement for a period of 10 years. There is also the associated sales tax exemption on construction materials, which was previously awarded by the commission. I always want to iterate when we talk about industrial revenue bonds, they are bonds issued by the city but they do not represent a financial obligation of the city. It is anticipated that the applicant will pay all of the debt service and it's essentially essentially a paper process and like I say, no financial obligation to the city. I do have a rendering of what the project will look like here and I think Pat Watkins will talk a little bit more to the project itself.

(01:25:42):

Your economic development policy currently says that it generally recognizes that affordable housing projects are in need of economic development incentives. But I do like to note that with these tax credit projects, the developer's return is limited by the terms of the tax credits themselves. If the project, it does come in at less expensive cost than what was anticipated, then both the tax credits and in this case the property tax abatement would be reduced as well. So it's a little bit self-leveling. The incentive to the applicant is primarily through a developer fee. As is the case for all these tax credit projects, we did look at the fiscal impact or of the project. It is positive to all of the taxing entities. The 25 year fiscal impact is listed in the chart on the screen. The project meets the city's economic development policy in several respects. It promotes redevelopment activity, infill activity, it enhances neighborhood vitality providing

the 34 affordable units. It does qualify for that extra 15% above the 50% baseline abatement set out in your economic development policy by virtue of meeting some other add-on benefits primarily along the lines of the bullets here.

(01:27:16):

So the action before you for tonight is to consider a resolution that is amending a prior resolution, preserving the previously approved exemption for sales tax exemption for construction materials, but then adding on the 10 year property tax abatement that we just discussed. There will be a time and a place for adopting the performance agreement, but that's not tonight. You'll actually do that at a subsequent meeting after the project is a little closer to completion. So with that before handing it over to Patrick Watkins, I'd be happy to respond to any questions. Any questions for Tom? Ms. Moy?

Speaker 4 (01:27:59):

Not a question for Tom, but just a question in general and maybe Brandon with the original being the NRA, we typically that using these terms, it's the difference between the current assessed and the newly assessed and that's the difference that's paid. With this being 10 years, 65% property tax abatement, does it still follow that same? So will this abatement be on the new assessed the value or on the current assessed value?

Speaker 11 (01:28:25):

Oh, Tommy, you wouldn't take that.

Speaker 4 (01:28:27):

Anybody can answer it. I I'll turn it over to Patrick.

Speaker 13 (01:28:35):

Good evening commissioners. Patrick Watkins. I'm here on behalf of Resource Housing Group and Chase Northcut and Sam Coates are on the line as well. To answer your question, commissioner Sellers, the abatement acts differently than the NRA. It's not on the increment, it's on the entire taxed amount. So 65% sort of akin to maybe a 75% nra, if that makes sense.

(01:28:58):

I'm pleased to be here tonight on behalf of Resource Housing Group. This is an exciting project. It's obviously an investment of 12 \$13 million in our affordable housing inventory that on its own is great news. It's already received a Litech award, which you don't always see. This is an infill development of a hard to develop parcel. There's a reason that things have developed around this. One. Sanitary sewers have not been brought to this site. Massive investment to take infrastructure to this site and it's a unique property that sort of sits on top of a hill. It's hard to manage storm water and other things, but it also comes from a nonprofit developer with a proven track record of successful projects. You'll hear a little bit more about them. Chase and Sam would like to speak to their company and their project. These light tech projects are complicated.

(01:29:51):

They're tedious. These applications take a significant investment of time and resources just to submit to the state for being considered for litech credits. It can take several years of work and in this case, the contract for this property goes back several years. That's why there are only a few developers and operators that are able to successfully compete for that particular subsidy. These projects are risky as well. This project materialized in 22 and 23 and 24 and the project costs have to track through all of those years. They didn't stop changing at any particular point and so it takes a real laser focus to track costs to complete the late tech application process, to work through all the planning that needs to be done to bring



these financial partners along. Then eventually, hopefully close on the transaction. It takes sophisticated modeling and financial structures as well to sell the tax credits.

(01:30:45):

So it's hard to overstate from our perspective how much work has gone on to get to this point in the project Resource housing group is familiar with these challenges. They know how to get these projects to the goal line, but being competent at scoring a Litech award also means that you can recognize when a project is in jeopardy and needs something more. We would not be here if this project were ready to go. There is a financing gap. I started working with their team in late 2024 when the construction costs the planning challenges and exercises had accumulated to the point where they had compromised the feasibility of the project and we discussed a range of options to get this project back into a feasible position, all of which were needed to be pursued. Design adjustments, sharpening the pencil on every line item, working to make sure every bid was accurate and understood the amount requested here and the IRB is 65% of the future property taxes for 10 years.

(01:31:49):

This is less than what you would typically see for the Litech projects that you've seen in the past. I think you're used to seeing 75% nras for 15 years. This is a 10 year program because that's what the IRB offers. You'll note in our application, this is the amount that is directly related to the operational deficits of the property After the building is purchased, we showed this dynamic in our application. We showed it to the third party financial advisors. This amount gets us back into the black. We did meet with Baker Tilly. We have gone through things with Gilmore and Bell. Everything that Brandon had stated is accurate and we appreciate their staff time on the analysis and the economic report that was completed. You'll see that there is an in-depth financial report here and I direct your attention to page 52. It shows the net benefits of the project for the different taxing generation jurisdictions.

(01:32:51):

Even with the IRB, the city's take home over 25 years is calculated to be 2.7 million in property taxes. The counties is 3.5 million. The school district is 4.3. These are project created tax revenues that would not exist at that level unless the \$12,000,013 million investments made. In conclusion, the tax statements really in my opinion, a great opportunity for a few reasons. It'll ensure that this project moves forward, that it'll be financially feasible, that it'll operate as well as it can, ensuring 30 years of affordable housing for the community. It lives up to the standards that are set in the city's economic development policy where we promote and try to attract the right types of housing practices and seek out the interests of groups like resource housing. It's a signal to others that are willing to take these sort of financial risks that if you meet our ambitious planning and affordable housing goals, our infill development goals, the city will be there to partner on this sort of economic development level. It's also a signal that our economic development policy is working Resource housing did not pick Lawrence out the blue. We hold ourselves out there as a community that is seeking affordable housing developers and they're ready. So we're seeking your approval tonight. Chase Northcut can give you a little bit of background on resource housing and Sam Coats could talk a little bit about the project. Chase, are you there?

Speaker 14 (01:34:27):

Yeah, can y'all hear and see me?

Speaker 15 (01:34:29):

Yep. Yes.

Speaker 14 (01:34:31):



Okay. My technology skills are not good sometimes, so yeah, thanks for having us. I'm Chase Northco Resource Housing Group. As Patrick said, we're a nonprofit based out of Atlanta. We've been around for about 30 years. We've developed about 80 of these projects primarily in the southeast and the Mid-Atlantic, but we've recently expanded into the Midwest and are looking to go as far west as Phoenix. We have a tremendous amount of experience developing these type projects and like I said, we're a nonprofit and this is part of our charitable purpose and we look forward working with the city of Lawrence and really appreciate y'all's consideration of this. Even real estate at this time can pose some challenges and your consideration of this abatement could really help this project. So I think I'll, excuse me, I'll turn it over to Sam.

Speaker 16 ([01:35:39](#)):

Yeah. Hey everyone, I'm Sam Coates here with Resource Housing Group. I appreciate Pat's intro here and Chase to set up the project. Well, we are a national developer that's been attracted to Kansas. We look for things like well run state agencies and state resources for affordable housing when targeting markets. We enter into which Lawrence Kansas specifically has. Lawrence as a city has a very strong affordable housing knowledge and support system for these projects which drew us to Lawrence. As Pat indicated, this project has seen a tremendous amount of challenges as indicated earlier through raising construction costs, depressed equity market and weakened tax credit pricing which we're currently seeing in the market, interest rates that have not come down to anticipated levels that everyone was hoping for an additional site work cost due to these cost overruns we've seen over the past four to five years.

([01:36:37](#)):

We are not able at this point in time to have approval from our investors to close on this project and this tax abatement is the final piece that we're needed to get approval to move forward with closing and bringing this project to life as a nonprofit. There's no gain or angle for additional profit here with this tax abatement. It's really the nature of these affordable housing projects and these Litech projects, specifically smaller projects that the state of Kansas promotes to pay debt service. It's just needed to have this incentive on taxes. So again, we're not coming asking for some angle to profit as a nonprofit. We are here just trying to get the deal into black, as Pat said, to get investor consent to close this transaction and bring this project to the city of Florence.

Speaker 1 ([01:37:32](#)):

Thank you.

Speaker 11 ([01:37:37](#)):

Anything else? Okay. Yep. So Mayor, I think that's it for our presentation and Commissioner Sellers and I'm sorry for my delayed response. Pat did address it, but to answer your question, yes, the IRB property tax abatement does exempt 100% of the property tax the valuation from taxes and then we recover the 35% through a payment in lieu of taxes and that'll be addressed in the performance agreement.

Speaker 1 ([01:38:10](#)):

Alright, any other questions?

Speaker 5 ([01:38:12](#)):

One question. So Patrick, you had indicated that there's a 30 year period for these to remain affordable. I just want to make sure that's correct. Is that correct? Because the memo says three years.

Speaker 13 ([01:38:21](#)):

Yeah, I think that's typo. Sam, you can confirm this is a 30 year compliance. Yeah, that's a typo.

Speaker 16 ([01:38:26](#)):

Yes, there will be a land use restriction agreement that's placed on the property that will guarantee 30 years of affordability and again, as a nonprofit we like to highlight that our intention is to remain, these are properties to remain affordable indefinitely. So it will be our goal to continue to operate this project and keep this project affordable in excess of 30 years.

Speaker 1 ([01:38:47](#)):

Okay, thank you. Thank you. Any other questions? Okay, thank you. Alright, public comment on this item,

Speaker 15 ([01:39:07](#)):

John M 6 6 0 4 9. I hear property tax abatement in my hair on the back of my neck went up. I live in this area, I'm just two blocks around from where the farmhouse came down. Glad it's down. A lot of digging has gone on so we got big hole and lots of mud and now I come here today and here in plain. If I put it in plain language, I hear the contractor say, well we did lots of work and lots of modeling but we got it wrong and now we need more from the city. I'd be really mad if my roof was halfway done and the contractor shows up and says it can't finish it unless you put some more skin in the game. So at the very least I would hope you would negotiate this and not just go ahead and move and vote on it. It seems like there might be some more dickering that's required. We don't get to negotiate whether we're going to pay our property taxes or not. So I'm a little alarmed to hear that this might be the deal. Thanks. Thank you.

Speaker 1 ([01:40:15](#)):

Any other public comment in the room? Okay, Sherry, anything online line?

Speaker 9 ([01:40:24](#)):

No ma'am. Okay.

Speaker 7 ([01:40:29](#)):

Alright. Please, I dunno if Tom or Brandon or maybe even Patrick once you respond to the 65% comes from our policy. Correct.

Speaker 13 ([01:40:45](#)):

You mind if I take this one? Go ahead. Yeah. 65% the IRB property tax abatement is structured so that you get percentages based upon what your project brings and so this one qualifies for the 65%. We didn't start there though. We ended up there. We started with a 15 year abatement because that is what, or a 15 year NRA, you'll remember that Brandon brought up that we applied for the NRA but we were escorted or negotiated down to a position of 10 years

Speaker 7 ([01:41:16](#)):

And thank you. That's my question and I would add that 65% is definitely low in the 10 year as opposed to the 15 year. So appreciate the comments but I support the policy as mentioned by both the speakers and others. I mean one of the ways you attract affordable housing projects is to have a consistent policy that you apply and this one has been even negotiated down so I appreciate the project and I'll put it

Speaker 4 ([01:41:52](#)):

Doke. I appreciate Commissioner Finkel deis. I point on that just to kind of take it a little bit further. Unfortunately in our state we don't have the ability as local municipalities to negotiate or even do a little bit more pushing to mandate inclusionary zoning or affordable housing pieces. So having robust incentives for developers to come in and negotiate with the city to offer affordable housing because there aren't very many resources available to us. We don't see that through the state and we're very limited in our funding from the federal government, which is usually what we see through Sue HUD and Litech dollars. So it really puts, it limits a municipality's ability to be good faith partners in this work outside of whether or not you're working with a housing authority or with your CHODO or housing trust organizations such as students to homeowners. So when you have developers who have, like Patrick had stated, has the wherewithal and knowledge of how to utilize federal tax credits we're in the last years of our state tax credits.

(01:43:18):

Projects like this you don't often see and the fact that the applicant has committed to more than 30 plus years of affordability means that we keep this on the roll. So the ROI to the community and for those who may potentially one day utilize these units is one that I think outweighs the incentive. And so I am not in, I love this project, it speaks to a lot of the things that we want to see with a developer coming to the city and wanting to work with us and to provide a necessary resource and has taken the due diligence to recognize that we're doing it in our community, which there are not a lot of municipalities but alone in the region or even in the United States that does this. And so I'm proud that we can do that and we can say that we still have work to do, but I'm happy with what we have here and I think this is an example of what happens when we're intentional about what we are looking for, what we are looking for from developers as it relates to affordable housing in our community, big A and little A and what that looks like.

(01:44:35):

So I appreciate the presentation and I look forward to this project coming to fruition.

Speaker 5 (01:44:44):

Sounds great. I'm in support of this project. I think it's a good one to especially got it on the west side of town. I appreciate that and the affordability is obviously the key to this whole project for me.

Speaker 2 (01:45:01):

Yeah, I would support it as well. The affordability is key and also for the demographic that it's addressing as well, I think we need more projects for that as well. But I think what put me over the top was it's 30 years affordable and their drive to go ahead and make it longer than 30 years as well. So

Speaker 1 (01:45:22):

That sounds good. I have agree, great comments. I look forward to trying to attract these kind of investments reaching out to sections of our community that maybe aren't served as well right now. So would there be a motion to consider this at this

Speaker 7 (01:45:35):

Point? Move to, oh go ahead.

Speaker 4 (01:45:38):

Do we adopt resolution of intent number 76 17 amending resolution number 75 24 and authorizing an industrial revenue bond IRB property tax abatement of 65% over 10 years in addition to the IRB sales tax exemption on project construction materials.

Speaker 1 ([01:45:55](#)):

Second. Okay, that's That's a motion by sellers in the second by Fing Doye. All in favor say aye. Aye. Those opposed? Motion passes five zero. Thank you very much for the comments and for the help from the presenters. The next item on our agenda is to conduct a public hearing regarding the structure a one story house at 1310 Prospect Avenue and consider adopting resolution number 7 5 9 3 declaring the structure be unsafe and dangerous and ordering the property order to commence and complete substantial repairs to the structure or demolish the structure on or before September 4th, 2025. Good. Thank

Speaker 17 ([01:46:34](#)):

You. Good evening, mayor, vice Mayor Commissioners. I'm Westcott the code compliance manager for planning and development services before you tonight as the mayor said, is resolution 75 93 which declares the structure at 1310 Prospect Avenue is unsafe and dangerous in accordance with KSA 12 dash 1750 in respective subsections. The structure in question is a small one story dwelling unit brown in color and as far as we know, it appears to have been vacant for many years. Resolution 75 62 established tonight's hearing date and that resolution was published on May 10th and 17th, 2025 to comply with Kansas State regulatory requirements. The owner of record of this property is Antonio Moreno and we have had no contact from Mr. Moreno since we began enforcement action under the city's adopted property maintenance code. As far as we know, Mr. Moreno resides in the state of Florida and we have not been able to locate him or any next of kin.

([01:47:54](#)):

We have had neighbor complaints surrounding this property that is included. Complaints of transient moving into the property late last summer where we went into the property, went to the property and met with those folks and they were subsequently removed from the property. The interior of the dwelling unit is completely gutted down to the studs with some very little drywall. There are no plumbing, mechanical, or electrical components throughout the structure in your packet. There's pictures outlining all of this. I've brought up this resolution orders the structure to be brought into a habitable condition, making repairs, getting building permits, et cetera or demolished by September 4th, 25. Our goal is always to save dwelling units and properties, but we feel with this one we have exhausted all measures and it is a good candidate for demolition based on the facts I've brought before you this evening. It is a gliding influence on the neighborhood and as I mentioned, we have exhausted efforts to find an owner or interested responsible party. Again, there have been transients in and out of there. We have had police calls out there for such and we have been keeping an eye on this property for quite some time. With that, I'll conclude and stand for questions.

Speaker 1 ([01:49:39](#)):

Thank you Trinny. Any questions?

Speaker 4 ([01:49:43](#)):

Trinny, do we know if the owner of the property is up to date on property taxes, payments?

Speaker 17 ([01:49:51](#)):

I believe they are in arrears. I don't recall how far in arrears.

Speaker 1 ([01:50:05](#)):

Okay. Any other questions? Okay, I'm going to go ahead and open the public hearing then. Thank you. Thank you. Any public comment on this demolition issue? Item two,

Speaker 18 ([01:50:21](#)):

This is Chris Flowers. I'm just wondering when it comes to who's complaining about the homeless living there, like the owner of the property. If not, why does it matter? So what if the homeless are living there? I mean, if they're causing problems elsewhere in the neighborhood, bust the homeless when they're committing the crime. I say a, if they found a place to live, why should we be trying to tear the place down because they're living there. Thank you. Thanks Chris.

Speaker 19 ([01:51:00](#)):

Christina McKenna. 6 6 0 4 6. I just wanted to ask if they're in arrears on the property taxes. I know a lot of places do an auction for the price of the property taxes. Sometimes a little bit more than that. Wouldn't that bring a little bit of revenue to the city and take away the price of the city, demolishing it and then put it on the developer instead? Just an idea.

Speaker 20 ([01:51:32](#)):

Mike Harold. 6 6 0 4 9. Another idea for this property is depending on its state and the cost of rehabilitation, potentially handing it off to tenants, to homeowners with some support for it. We're desperate for units and tenants to homeowner. Homeowners is a good organization.

Speaker 9 ([01:51:57](#)):

Thank you.

Speaker 1 ([01:52:06](#)):

Anybody else in the room? Okay, anybody online? Sherry? That was a no,

Speaker 6 ([01:52:19](#)):

Sorry. Yes.

Speaker 1 ([01:52:19](#)):

Yeah, I'm sorry. Okay, thank you. Alright, I think we go ahead and close the public hearing at this time. So the action is to adopt resolution number 75 93 order in the structure, demolished or repaired. Any comments about the state of the building or whether or not it'd be useful to rehabilitate? Based on the photos I've seen, I don't see it, but maybe somebody has better insight than I.

Speaker 4 ([01:52:49](#)):

Do you mind going over what the process will be if the vote is to approve demolition of the property?

Speaker 17 ([01:52:56](#)):

Sure. We will wait the 30 days and then if we do not hear anything from property owner, we will apply for a demolition resolution and a demolition permit and hire a contractor to demolish the structure.

Speaker 7 ([01:53:19](#)):

I wouldn't note one of the questions just looked it up online that they paid the last paid in 2023, so they're behind in 2024. For those not familiar with the property tax, you cannot full close in a property tax sale until you're three years past due. So you have 25, 26. The full closure in the tax sale when it starts till 27 and complete sometime in late 28. So if you're waiting for a property tax sale, you'd have about four years of this sitting as it is or if they don't fix it up. So I do agree with the question. I'm glad we looked at that.

If this was three or four years and we years, there might be a different story here, but this one is only really only 24 and partly into 25 in rear, so we'd be waiting a long time to handle that. And to your question, mayor, looking at the pictures and reading the staff report in detail, I don't believe one, anyone should be living there and two, that it's able to be saved in any significant manner.

Speaker 9 ([01:54:26](#)):

Okay,

Speaker 21 ([01:54:29](#)):

Anybody

Speaker 7 ([01:54:29](#)):

Else make a motion? I move to adopt resolution number 75 93 ordering the structure at 1310 Prospect Avenue to be repaired or demolished on the four September 4th, 2025. Second.

Speaker 1 ([01:54:43](#)):

Okay, that's a motion by Finkle Dye second to by sellers. All in favor say aye. A Aye was opposed. Motion passes five zero. The next item on our agenda is considered approving a final development plan. DP dash 25 dash seven for Fall Creek Villas, a 14 lot residential development with Private Street located on the southwest corner of Castle Drive and Tomahawk Drive submitted by Land Plan Engineering on behalf of 78 lc. Property owner of record. Hey

Speaker 22 ([01:55:14](#)):

There. Good evening Commissioner Sandy Day planning the item before you this evening is a final development plan. This is typically an administrative item, but per your action on the preliminary development plan, the project has been brought forward back to you to demonstrate a project that is compliant with the city stormwater criteria of the project. The project includes the same number of lots and dwelling units per the previously approved preliminary development plan. That part of what our assessment in a final development plan is to show that the project does conform substantially with the approved preliminary, which this project does. It did modify the lot arrangement a little bit. Lots are a little bit smaller. There is now an area in between two of the lots and there is also per the stormwater project, the applicant is proposing Gian walls special walls that will help protect the stream bank and the development project.

([01:56:28](#)):

The applicant was required to work with the city. They submitted a number of different versions of the storm water plan for this project. It was rigorously reviewed by the city's engineering technical team for the stormwater as well as the rest of the utilities. There are no other changes to the project in terms of its proposed use with this project as well. I'm happy to answer any questions. All of the documentation is included in your packets, how we looked at density and development. That was all part of the preliminary development plan package and there is a link to that staff report. There is a graphic in that it's page 19 of the preliminary development plan staff report where we looked at the surrounding area. This particular project reflects while it was not reviewed under the current 2025 zoning code, it was submitted before that it is consistent with some of those policies that talk about having two unit attached housing in some of our other districts.

([01:57:48](#)):

This project was originally zoned in 1995. It carried with it throughout its time, a maximum density of 15 dwelling units per acre. It is actually a very low density project, but because many of the lots surrounding



this project are very large, that has the effect of a comparative analysis being very difficult. The other challenge with this project, and I've talked with several of the residents, is that we have a project that's gone across three different zoning codes. Zoning started under the 1966 code. The preliminary development plan was approved under the 2006 code and while the final development plan was submitted under the 2006 code, we did adopt the 2025 code and so we did not review the project for those kinds of design standards. It does meet some of those intentions. I'm happy to answer any questions. I know the applicant design team is here as well.

Speaker 1 ([01:58:56](#)):

Okay, great. Thanks. Thank you. Any questions for

Speaker 2 ([01:58:58](#)):

Sandy?

Speaker 22 ([01:59:00](#)):

Thank you.

Speaker 2 ([01:59:03](#)):

I guess Sandy or the developer, I think I saw in there that there's a stormwater management agreement that is part of this as well.

Speaker 22 ([01:59:13](#)):

So part of this project with the giant walls and the city engineering team is online to answer more specific questions. The giant walls are a unique feature of the project and the concern for how those giant walls would be maintained over time required the developer to execute a specific agreement. That agreement will have to be recorded for that maintenance. That would get recorded at the time that the final plat, which is still another step of this project to guarantee that. So that is an additional piece of the project.

Speaker 2 ([01:59:58](#)):

Did it say how long that agreement was for or is it just

Speaker 22 ([02:00:02](#)):

I don't know the details of that. I would assume it would be in perpetuity, but

Speaker 2 ([02:00:06](#)):

Okay.

Speaker 5 ([02:00:12](#)):

I have a couple of questions. If we could talk about the stormwater, how we're taking care of stormwater on this project and the changes that we are seeing now versus what it was when it came to us. I think a couple years ago, the GB malls, I see that the stormwater flow, it looks to me like it's going down the street over to the castle and Tomahawk Drive intersection there, and then we got a stormwater drain that goes just before that intersection. Did the stormwater study show that the flow that's going to come through there at various rainfalls that it's going to be able to be handled by that culvert that goes underneath the street?

Speaker 22 ([02:00:58](#)):

I'm going to let Aaron Parker, who is online, answer the specific engineering questions, but the simple answer is yes.

Speaker 9 ([02:01:07](#)):

Okay.

Speaker 5 ([02:01:12](#)):

Erin could talk about that a little bit.

Speaker 9 ([02:01:14](#)):

Yeah,

Speaker 5 ([02:01:15](#)):

Easy coming. Okay. Sorry.

Speaker 23 ([02:01:25](#)):

Hi, yes, this is Erin Parker, an engineer with the municipal services and Operations. I've been on the engineering team for this project and yes, our stormwater management criteria addresses the 10 year design storm for pipe flow. Not only was the 10 year storm model, but as high as the a hundred year storm was modeled for this project. Attached to the agenda item is the drainage study summary. The exhibits are not attached with the detailed calculations, but you can see in the drainage study summary that the flow was increased about 0.2% from upstream flows. So the point of discharge from this project is at the castle culvert under the Castle Drive Road there. So right now it's at 941 cubic feet per second at the a hundred year storm flow, and it would be increased by 1.2 cubic feet per second, so very minimal increase in flows.

([02:02:32](#)):

So the stormwater drainage study was reviewed by the stormwater engineering program manager was approved, and I wanted to add that the gian walls, you can also see in the last paragraph of the drainage study that the gian walls are modeled in heck raz and our setback behind the top of bank. So the walls themselves have no impact on the cross section of the creek and they will have little to no, there is a little bit of rip wrap shown in the creek area, but there will be little to no impact on the existing a hundred year water surface elevation.

Speaker 1 ([02:03:12](#)):

That's great. I have one question addition to that. Where did the stream bank enhancement stabilization idea with the gian walls, how did this come about? Was this as a result of the studies that were done or is this something that was already there in the background and could be implemented? Can you touch on where these changes came about?

Speaker 23 ([02:03:35](#)):

Yeah, so the developer originally proposed to build, basically the home footprint is shown on the preliminary development plan and on the public improvement plans. And the footprint of the buildings was right at a point where the stormwater management criteria DISA allows development. Past that point, it was just so close, we made an engineering judgment call that Gian walls would provide the protection needed for those homes because the stormwater management criteria has a shorter span from the walls to

improvements such as buildings than just natural top of bank channels. And in section 3.0 on easements, it discusses natural channels and setbacks. So the encroachments were considered just too close and there was some room margin of error there. So we wanted to make a judgment on that and have the developer install avian walls.

Speaker 1 ([02:04:38](#)):

Okay, thank

Speaker 5 ([02:04:39](#)):

You. So another question I had was it's my understanding that now that intersection floods across Castle. Is that correct?

Speaker 23 ([02:04:50](#)):

I'm not aware of that.

Speaker 5 ([02:04:52](#)):

Okay.

Speaker 23 ([02:04:52](#)):

I don't know. I'm a newer engineer at the city. I cannot speak to that.

Speaker 5 ([02:05:08](#)):

With the design that's being proposed here, we don't believe that it's going to cause flooding in the road across the road.

Speaker 23 ([02:05:16](#)):

Right. It's designed to handle the a hundred year storm in terms of the additional flows from this development will have a minimal contribution to additional flow. So if assuming the culvert and the downstream infrastructure is sufficient, which from briefing with the engineering program manager in a stormwater program it is, then there should be no flooding unless the storm was greater than a hundred year event. That could have been a couple hundred year event with changing climate conditions that we're seeing.

Speaker 9 ([02:05:59](#)):

Okay. Okay.

Speaker 1 ([02:06:04](#)):

Any other

Speaker 5 ([02:06:04](#)):

Questions? Is the applicant going to

Speaker 1 ([02:06:07](#)):

Speak? I don't know if they're prepared to. I didn't get that feeling that they had a presentation, but anybody want to speak to this, the applicant here?

Speaker 21 ([02:06:19](#)):

Good evening, Phil Struble, land Plan Engineering. We have no prepared presentation for tonight, but we're happy got several people here that can answer any questions that you might have.

Speaker 1 ([02:06:27](#)):

Okay. Thank you.

Speaker 5 ([02:06:32](#)):

So it's also one more question. Also my understanding from reading the documents and the plats that the HOA is going to be responsible for the maintenance of those giant walls. Is that correct? And that's part of the agreement they're going to have with the city?

Speaker 21 ([02:06:48](#)):

I can't answer that and that is correct and there is no sunset on that agreement.

Speaker 5 ([02:06:53](#)):

Okay. Is there details outlining what that means to maintain 'em?

Speaker 21 ([02:07:01](#)):

I haven't read a recent copy of that, but it's fairly lengthy. I mean, it is fairly detailed

Speaker 5 ([02:07:05](#)):

About

Speaker 9 ([02:07:06](#)):

It.

Speaker 21 ([02:07:06](#)):

Yeah.

Speaker 5 ([02:07:07](#)):

Okay.

Speaker 21 ([02:07:08](#)):

It's more than just a note on the plat. It is a recorded,

Speaker 5 ([02:07:11](#)):

I've seen the note on the plat, so I just wanted to make sure it was more than that. Okay. Okay. Thank you.

Speaker 1 ([02:07:19](#)):

Okay. Any other questions before I go ahead and open the public comment? Okay. Public comment on item three,

Speaker 24 ([02:07:41](#)):

Patrick Ross 6 6 0 4 9. I would like to address my concerns with the Fall Creek Villas. I understand the community's need for additional housing and that infill is the best community wide method for accomplishing that goal. However, I have considerable concerns with how the process by which this plan is being considered. This project has previously been rejected by both the planning and City commissions the last time it was presented before the City Commission. There were multiple commissioners that questioned the feasibility of this project, both because of the lack of details from the developer and the vague assessments by city staff on their nine land development code evaluations. This lack of detail was causing enough or concern that one of the commissioners who would've voted against the project instead voted yes, providing the required super majority four to one vote, granting the applicant an opportunity to now present a final master plan with needed details.

(02:08:23):

As far as I can tell, there is still a considerable lack of detail beyond staff generalizations and generic diagrams. As I understand it, there are changes regarding lot size and stormwater retention. One of my main concerns is what the project's impact will be on flooding in the already flood prone area of Deerfield Creek. In the public response to the Last City Commission meeting. Considering the plan neighborhood members provide video evidence of already present flooding issues. Specifically, they cited that the applicant labeled as recent flooding event as a 10 storm. The community pointed out that that assessment was incorrect, that it was in fact a five-year storm event. In that incident, water levels rose considerably higher than the a hundred year storm event. In the applicant's stormwater projections, it begs to question whether the applicant's calculations concerning a major issue flooding were misinformed or even misrepresentations of the project's impact.

(02:09:10):

If these issues are already present, what will be the fallout of removing an entire forest of biosphere that helps to naturally mitigate flooding and replace it with impervious services of concrete and residential roofing that will only exacerbate the flooding concerns? This issue will only become more prevalent as a climate change continues to increase the frequency of severe weather events in the reality that many of our laws and studies concerning the issue are based on out of date data perhaps causing this scenario. I have just laid out this and many other issues gives significant reason for the public, especially adjacent community members to oppose this project proceeding. Furthermore, as I understand it, this vote is no longer subjected to the super majority vote required previously. Why is it that when the same project comes before the commission that would've been denied? Had one commission not wanted to appease all viewpoints on such a sensitive issue, it no longer requires the same level of scrutiny.

(02:09:55):

It should never have lost that level of super majority scrutiny since it was previously incomplete. It is also my understanding that the project has changed considerably since the Planning Commission last reviewed it, and that protocol is to have the planning commission re-review projects that have gone through considerable change because of the precarious nature of preexisting flood issues and that destruction of extensive force cover and the Nature corridor is being proposed. I believe the public is entitled to have the city's Planning Commission review the true merits of this project and to verify that the applicant's assessments are in fact accurate. I see no reason why we would leave such an impactful decision up to the political arena of the City Commission, which has consistently voted in favor of developmental projects that ignore countless legal barriers. The community stated comprehensive 2040 plan goals and environmental impacts and is basing their decision on vague assessments by city staff who are themselves pressured to toe the line in regards to approval of development projects without having the professionals of the planning commission. Please don't vote on this. Please send this back to the Planning commission. Thank

Speaker 1 (02:10:46):

You. Thank you, Patrick.

Speaker 25 ([02:10:50](#)):

I'm going to follow those comments by this gentleman. I'm Rich Bailey, 3,600 West Timber Court, a neighbor of the proposed Fall Creek Villages Project. I won't be talking about the dubious merits of this development, as I've already presented four times previously to both the planning and city commissions on why I feel this project is simply not a good fit for our neighborhood. Instead, I'll do a few comments here about how I no longer trust the process of our city government. As this project has unfolded over the past couple of years, we've heard many times the phrase to simply trust the process. Well, here's why I'm having trouble doing this. Many of us in the Deerfield Creek neighborhood will kind of feel bamboozled from when the November, 2023 City Commission meeting was unilaterally moved to the next month to possibly facilitate a new commissioner who many believed would and was subsequently elected to serve on the commission and another commissioner would also be departing at that time.

([02:11:57](#)):

This frankly, to me, smells fishy. I guess I'm just not trusting the process here. The Lawrence Douglas County Metropolitan Planning Commission twice overwhelmingly as this gentleman pointed out, voted against this development by seven to two and six to three margins. This begs the question, why the pretense of a planning commission if the city commission simply disregards their decisions? Again, I'm not trusting the process here. In fact, we request at this time that this revised PDP be referred back to the planning commission for their review and feedback before a final City Commission vote is held on the new PDP or the revised PDP and number three, the new city of Lawrence Land development code states, and here's the quote, residential design standards and guidelines as well as infill standards are set, so no new developments have to match, are so new developments rather have to match the style of the surrounding area, meaning matching lot widths, distance to neighbors, distance from streets, et cetera.

([02:13:09](#)):

This ensures structures and the lots look similar, giving these suggested guidelines. I don't see how this Fall Creek Villas development even comes close to matching either the adjoining Fall Creek or Deerfield Creek neighborhoods. I'm not understanding or trusting the process on this one. And real quickly here, just a couple of other unanswered questions. Who pays for any damage repairs to our nearby homes during construction explosives used and so forth? I don't believe this has been answered and the city is not liable here, but we want to know who else is. And also do we have any guarantees that the Fall Creek Homeowners Association will actually enforce an owner occupied covenant? Thank you. Thank you, Rick.

Speaker 26 ([02:14:00](#)):

Good evening. I'm Anne Bailey, husband of Rich Bailey. We live at 3,600 West Timber Court, which is just two properties south of the Villa Development property line, and our house backs up directly to Deerfield Creek. I'm concerned about the flooding along the creek. Several things jump out at me after looking at the final plan for development. The setbacks between buildings have been changed from 10 feet to five feet. This cuts down on possible green space for runoff to be absorbed into the earth. The plan shows that the Deerfield Creek will not only deal with the runoff from the villa's development, but will also handle water that's coming off the newly developed hidden lane road that sits just above the Villa's project, changing the amount and the pattern of stormwater that enters into Deerfield Creek Places undue risk of flooding, erosion to the neighbors that border the creek.

([02:14:53](#)):

This area was platted in 1977. Drainage may have been adequately handled at that time. The stormwater drain for Deerfield Creek runs under Castle, as has been mentioned where it intersects with Tomahawk Drive. This drain was designed to accommodate 25 year storms over 50 years ago, but is that still



adequate now for runoff to build the villas? There will be great many trees and much vegetation removed that will devastate and disrupt green spaces, permeable surfaces currently needed for dispersing rainwater down the rocky slopes of the property. The villas plan will not preserve and protect natural surface streams because it will destroy the natural stream networks in the existing woods that collect water and convey it to Deerfield Creek. In looking at the final plan, the rainwater coming down the sloping area from Hidden Lane will be collected by storm sewers along the new Tomahawk court road before the water has a chance to be absorbed by the limited area of sensitive land along the creek, forcing more water into the creek than might have had a chance to seep into the land.

(02:16:02):

As was mentioned at previous city commission meetings, a conversion of pervious surfaces to impervious ones will increase the rate and amount of runoff failing criteria in 1.2 of the 2040 plan, which is to mitigate developmental impacts on the watershed. Was this addressed in the stormwater study that was completed with the loss of so much green space? I worry about how the building of the villas will affect the water runoff and the creek on our property. The windows of our basement sit level with the creek 25 feet away from its rim. The creek has overflowed many times onto our property. It has never overflowed into our basement, but with the construction of the villas along with changing climate conditions, it is a real fear. It's not if our basement will flood, but when I'll end with a quote from section five of Plan 2040. Some of the most valuable lands in our community are ones which we don't build, preserving natural features and areas throughout Doug's. Thank you.

Speaker 1 (02:17:03):

Thank

Speaker 9 (02:17:03):

You. Yeah.

Speaker 27 (02:17:10):

Hi, my name is Patrick Webb and I'm a retired engineer, been living in Lawrence for over 20 years. I wanted to talk a little bit about the loss of green space in Lawrence in general, but specifically here. Green Space has helped define the character of a town or a city. People don't really want to live in just cities that don't have parks and green spaces. Every time we develop a patch, remove a treat area, the town loses a bit of its character. A good example of it, I think it's done pretty well, is a can't city trail system if you've ever been in that area, it connects communities, it connects parks, it connects neighborhoods, there's habitat for animals, things like that. This project, don't let 'em fool you. This project removes all the trees in the areas except two small areas, one between the richer houses on the top of the hill as a buffer and one at the entrance.

(02:18:03):

Everything else comes out. There will be in the drainage easement. There'll be no trees, no shrubs. The neighbor's view will be giant walls and rip wrap. It's going to affect their quality of life and their housing property values and then Plan 2040. Have you guys read it? It really has a lot of good stuff in it. It preserves sensitive areas like this entire eight acres, and I wonder why we're not following that. I know it's not a code we have to go by, but it reflects the community's values and goals and approval. This projects will be against those values. In the previous meeting, one of the commission mentions that the woods are, this forest is dying because they saw dead trees. Well, so why should we save it? Why do we care about it? Well, a healthy forest has trees in all phases of life, death and decay.

(02:19:00):

Dead trees provide habitat and open the canopy for new trees. That's how it renews itself. A better measure of the health of forest is the wildlife and diversity that's in it, and the neighbors had documented dozens of species of birds and mammals and over 15 species of trees. This area is worth saving. Then ask yourself, why do we feel pressured to approve this project? What are we going to gain from it? It doesn't provide affordable housing. And then an argument might be, well, maybe, okay, somebody's going to sell an affordable house to move into these. That's not really a, I mean, somebody's going to sell a house in the two to \$300,000 range to move into a \$400,000 duplex. I don't think with HOA fees, I don't think so. Maybe if somebody's downsizing retirement, they might do that, but they're not going to be selling a two to \$300,000 house to go into a very expensive duplex. So it's expensive to develop. It's going to increase our flooding risk, remove green space and the neighbors really hate it. And then ask yourself, will you be proud to tell your kids and family that you destroyed eight acres of woods? But hey, we gained 14 expensive duplexes. Please vote. No.

Speaker 28 ([02:20:14](#)):

Thank you. Patrick, before we start the clock, is it possible to bring up the presentation I've provided?

Speaker 6 ([02:20:21](#)):

What's the name?

Speaker 28 ([02:20:22](#)):

Steven Johnson.

Speaker 6 ([02:20:25](#)):

Did you get that, Kurt? Sure. Thank you. I'm going right up

Speaker 28 ([02:20:28](#)):

And if you can just go to the illustration on the fourth slide, that'd be fine.

Speaker 8 ([02:20:37](#)):

Let you drive.

Speaker 28 ([02:20:39](#)):

Okay. Okay, you honor. Okay, so my name's Steven Johnson. I live at 34 12 Riverview Road 6 6 4 0 4 9 18 months ago. The commission required the developers to come before them with a satisfactory plant managed stormwater. The latest plan diverts some of the runoff to a point closer to the Tomahawk Drive, castle Drive culvert, and while this removes more of the water from the development to a point downstream of the adjacent properties in Westridge Heights, it's still not clear to me that it will not contribute to a higher risk of the creek over topping onto Castle Drive. A lot of engineering has gone into this project, but it seems to me that a much more obvious approach would've been to simply have reduced the density of the development and retained more woodland and impervious services to absorb stormwater runoff. However, not only does this present plan maintain the same number of dwelling units, it does so by reducing the lot size and magically by keeping the density unchanged.

([02:21:47](#)):

I still contend that the calculated density is artificially low because of what can be best term, slight of hand. Now as a quick reminder, this site is subject to the 134% rule, which says that the density may not be more than 134% of the surrounding area. One way to think about this is it's about a third higher or for every three houses on the same area. In an adjacent lot you can have four in this. So that's just a bit of a

guideline, which brings me to this. I took the liberty of coloring in the properties that were shown on the planet that was provided. So they're not all there, but all of the units in the Fall Creek villas are there.

(02:22:35):

And I would point out that each of those orange blocks, it's a bit difficult to see. They're actually split into two, so we're looking at 28 dwelling units there and that's next to Fall Creek Farms, which conveniently the developer has been allowed to exclude from their calculations and Westridge Heights and I defy anybody to tell me that that is not effectively less than 134% of the density. And the question is how did they may have to do this? They don't exclude tracks A and C, which they call sensitive land, and which includes the woods that separate the development from Wall Creek Farms and is inaccessible from the road so they can't build on that. They exclude track B, the average easement. They can't build on and claim that that is for the exclusive benefit of the owners and residence. Despite the fact that there is an easement, they exclude track D, that's the street which conveniently is not a public street because they cannot fit a public street that the city is prepared to adopt into that space. I say that a sensible water plan would reduce the density to a more sustainable level by any fair and reasonable assessment. This development is far too dense for this site. I urge you to reject it. Okay, thank you Steve.

Speaker 29 (02:23:58):

I also have just a single slide and your name Lisa Weeks.

Speaker 6 (02:24:06):

Did you catch that Kurt?

Speaker 8 (02:24:08):

Yeah,

Speaker 6 (02:24:09):

Thank you.

Speaker 8 (02:24:09):

Get started. I'll get it up there in a second.

Speaker 9 (02:24:23):

There you go.

Speaker 29 (02:24:31):

Hi, I am Lisa Weeks. My pronouns are she and her and I'm here to speak on behalf of the wildlife and for my beautiful hometown led I hope by wise and vulnerable leaders who are willing to look to the future and recognize even correct the errors of the past. This land is calling for us to let it breathe. Nature is reminding us that she is not separate from us, she is us. When we pause to immerse ourselves in the buzz of insects, the songs of birds, the sights of deer and bobcat and fox and the cooling power of woodlands, we know in our hearts that this is not the place to build 14 duplexes on a steep hillside. The planning commission knew it voting twice to reject similar proposals and the neighbors, those who live closest to it, know it too. We have tried so very hard to appeal to logic and reason showing where this proposal violates development codes exceeds density limits and increases the risk of erosion and flooding. It does not align with Plan 2040, but you have chosen not to listen to us. So now I invite you to listen instead to what will replace this natural beauty. If you approve the plan, the unrelenting sounds of construction, the

groan of heavy machinery, the silence where once there was bird song and know that if you vote to approve this, you are fully accountable for all that is lost forever to the citizens of Lawrence,

Speaker 9 ([02:27:31](#)):

I am

Speaker 30 ([02:27:48](#)):

Dale Wheeler, 208 Arizona Street right next door. I've been thinking about this. I knew this was coming up. I've been thinking about the education I received over the last couple of years on this and my disappointments. I guess I was just naive. I'm just disappointed how zero consideration has been given to the undisturbed strip of forest with larger wildlife such as bobcat and foxes. Just no consideration. I've never heard a word from any of you guys saying, man, sorry, this has to go because we need development. I've never heard those words least I'd like to hear that.

([02:28:32](#)):

My own disappointment and just the overwhelming majority of existing neighbors, ultimately they're outweighed by single developer with influence and money. How the council is twice utterly ignored. The majority of recommendations of the planning commission with one commissioner telling me it doesn't matter what the commission recommends, how a commissioner can support this difficult infill project in our neighborhood. When earlier this year, the same commissioner voted against an infill project in his own neighborhood. This fellow commissioner called a slam dunk, a perfect situation for infill. And I wonder how many of you, if this was happening in your neighborhood, how many of you would vote in similar manner?

([02:29:19](#)):

Disappointed in how many written city codes are excused or ignored or talked around in order for this development to happen. I'm disappointed in how ultimately powerless longtime homeowners and longstanding natural spaces are when up against professional and political interests. How ultimately my disappointment is ultimate against this whole process. I came in naive and I'm leaving a different person and I'm sad about that. I make a final appeal to you, the city commission, to listen to these many voices, these many homeowners, these many people around you. Consider all the dealings by the narrowest margins to proceed with this difficult development. Ponder why you would support destroying this old natural green and please vote against this development. Thank you.

Speaker 31 ([02:30:31](#)):

Hi, my name is Jamie Joseph and I do not live in that subdivision. I was once a resident and now I live at 1508 Foxfire. I was one of the original 30 people at the planning commission when it first started and we were here till 2:00 AM None of us left. This is a very dear and near project to all of us. I support density in the city. There's appropriate places for density and inappropriate places for density. This is a common sense, inappropriate place for density. When I looked at the newest plans from land plan engineer, I noticed how they offered basements, but they said you need to make sure there's sump pumps in there. I also noticed Commissioner Deaver, you asked how we got to the second plan with moving it closer to the larger lots and doing the giant walls. I believe Commissioner Ellerson with her geology, she wasn't convinced that this was an appropriate plan.

([02:31:44](#)):

And again, as you heard, we just feel as citizens that we can't trust the process and that's sad because we elect everyone to listen to us and we had 30 people here the first night of the planning commission and we were all here until 2:00 AM because this area, once it's destroyed, we can never get it back. And I don't know about any of you, but when I hire someone to come into my home, whether it was at one 20 hidden

lane or at 1508 Foxfire, we always run into a snag. This will not be a snag. This will be a devastating consequence for the area that Commissioner Larson pointed out with the castle area. We don't know what's going to happen downstream. They're using a report that is so outdated. We need an actual hydrologist to give us what could potentially happen to this area.

(02:32:47):

We have a brand new civil engineer that can't even give you the correct to tell you this can't happen. Nobody can predict this. Who would've thought all of the climate changes in Florida and California and the hurricanes and the tsunamis? None of us can predict this. I don't have a degree in civil engineer, but I think we all have enough sense when you look at the density and the tree line and the rock and everything that goes into this sensitive area, impervious, everything's going to come downhill and it's going to go over. I don't want to pay as a taxpayer to subsidize this project that shouldn't even be approved.

Speaker 32 (02:33:33):

Okay, thank you.

Speaker 9 (02:33:34):

Thank you Jamie.

Speaker 33 (02:33:45):

Good evening. I'm Morgan Hannings. I live in the neighborhood. I'm not as good of a speaker as some of the other people, so I apologize to you guys. So I wanted to call out the irony of what's going on on some of this. We have just gone the effort of issuing a new code document and right away now we're talking about approving something that violates the stream channel setback requirements of the code. In lamp pen's letter that was in the packet tonight, it said that the upstream drainage of the creek is about 173 acres. So under the new code that would need a 60 foot preservation setback and a 20 foot limited use setback before structures begin, the majority of these structures would be within that 60 foot preservation setback. There's maybe three or four that would be outside of it, but ucks we're told this old piece of land we can't possibly apply the new code to.

(02:34:44):

So great, our neighborhood has spent multiple years trying to tell you that this development isn't compliant with the old codes, but also no one wanted to listen to us about that like Steven was alluding to with the comparative density. We were told that we were pointing out the code incorrectly. We're just told that the city chose to calculate it a different way. So it leaves us trying to understand what rules do apply in any of these developments you've heard from other people in the neighborhood who are just disillusioned about the process. I think rules should matter, especially now with everything going on in the country. If we think the rule isn't good anymore, we should change it. We shouldn't just ignore it. Aside from that, there's a little bit of talk about it, but I just want to make sure that we're not increasing the risk of flooding on castle, that the current culvert there is sufficient because it was designed in the seventies with rainfall information we have back then because if there's flooding it's going to flood the road there and that's a major road for the city.

(02:36:04):

So if we're not certain about that, how much is that going to cost the city to replace the coal culvert or otherwise address this? Whereas the wisdom in approving a development that has to have Gabby Wallace to protect the homes from erosion from water issues and we're talking about there being an HOA that has to be obligated for that, but what happens if down the road the HOA is poorly managed and doesn't have the money to take care of the Gabby and Wallace, replace them, whatever is the city on the hook for that. Anyway, thank you for your time. Thank you. Thank you Morgan.

Speaker 34 ([02:36:46](#)):

Hello Melinda. Ball 6, 6 0 4 6. Also nowhere near the site but I gather that each of you are intelligent and well-informed people and I hope that you all understand that the theory of climate change is no longer in that we live in it and it will get worse because policies are not aiding in that, in reversing that. So I say that because even though as it was stated today that the storm water project for this addressed for a hundred year event, I think that's a nice gesture but really not, won't hold water if you will for very much longer. Let's just say there's a lot more 500 year events as well as thousand year events that are now happening. You can just look at last month deadly floods across our nation. I think about 140 people died out of that. So I understand this isn't a river, it's a creek, but also I do know that the FEMA flood maps for Douglas County are expected to be released in about mid 2026 and there is a trend to add creeks to the flood map because yet again climate change and we have greater rain events.

([02:38:19](#)):

We had a torrential rain event here in Lawrence, Kansas last month. It's serious. It's fine to look outside today. It's a lovely day but it's a looming threat that I honestly think about regularly unfortunately. And so I just say that to say that the land that as it is currently is an asset in that I really encourage the no development for this site to please reject it and to also to I believe Patrick and others to consider actually pushing this back to the planning commission for review and another vote. Additionally, I have concerns with the wall gian wall I believe, or retention wall Gian, thank you. Gian Wall hadn't heard that term but I have concerns about that. It seems like a point of failure. It's been mentioned already. You can say all these plans, but what if in 10 years things fall through the cracks? Also a little bit. I know those things are subject to extreme weather as well, so have a heavy rain. It may not withstand so please reject this and or push it back to planning. Thank you. Thank you.

Speaker 35 ([02:39:57](#)):

Before I begin, I'd just like to comment that it appeared to me that the stormwater engineer when he was making comments, really didn't understand what a hundred year flood was. If you have questions, I'd be glad to talk about it later. I'm David Collins. 6 6 0 4 9 Outside of the Fall Creek Villas plan area for the city, increased assessed values from newly developed property, we'll get more tax revenue to help with our budget crunch. That does not mean development is better for the city, for the people who move into the new housing or for people who are already living in existing adjacent housing, nor for the wildlife whose habitats and natural corridor will be damaged. Lawrence needs low cost housing supporters of the development's. High cost units suggest that people unable to afford them will benefit from some kind of trickle down housing process. It doesn't work for tax cuts for the rich, it will not work for housing.

([02:41:01](#)):

Concern exists about the loss of force cover that mitigates flooding effects statement 21 from the developer's general note says clearing of existing trees shall be held to a minimum per construction requirements. Considering the meaning and significance of that phrase, I'm reminded of the reaction of indigenous faculty, staff and students at Haskell working to understand the meaning of Senator Moran's Haskell University Improvement Act. Upon reading the final words of the act that quote, it is the sense of Congress that the university shall receive on an annual basis such increases in appropriation as are necessary to ensure that the university will be able to provide high quality educational experience. There was a general nervous laughter, size and shaking of heads by our Native American friends who would comment, doesn't that say just trust us with global warming. It's very likely that severity of a hundred year flood in 2025 is greater than the expected severity of a 100 year flood was in 2000.

([02:42:05](#)):

That trend will continue behind track D of the proposed development, the design plan shows construction of a gian wall on the outside bank of the curve in Deerfield Creek, which then turns in the direction of lot seven and eight of West Ridge Heights. Number two, where the creek turns sharply back toward lot seven



and eight of the villas where the construction of a much longer Gabon wall is shown. Their purpose is obvious they prevent erosion of the creek banks toward the south corner of lots eight and behind lot seven and nine. I'm a retired earth scientist. So given that we all know Google is never wrong, I asked Google if there was a problem. Of course there is said Google in essence, while the GA and wall protects a specific section where it's placed, it might alter and increased flow dynamics downstream and potentially exacerbate erosion and reinforced unreinforced areas. The plan does not take any account of the effect that will have on the properties across the stream from the property. Of course not. Why would they care about property? It isn't theirs. Fine, thank you. Thank you David.

Speaker 32 ([02:43:22](#)):

Hi, Margaret Rose lot four at Westridge Height. No Ian Walls behind my house, no trees on the other side of the creek behind my house. The plans don't account for runoff into an erosion of the creek right behind the buildings and the buildings on the other side of the creek. This is a steep hill that falls 60 feet from the top of the hill to the creek. The development will create mostly impermeable surfaces, creating swales between the houses so the rainwater will rush down between the houses directly into the creek. The trees and undergrowth of course inhibit that. Now just behind my house, let's just take that for instance. One inch of rain over an acre of the hillside dumps over 27,000 gallons of water. Three inches of rain is over 81,000 gallons. Multiply that by the other denuded acres and any objective person will agree that is going to add a lot of extra water into the creek that is not diverted by this plan. The creek bank is already eroding and will only get worse when you dump that much water into the creek. I sent the city commission photographs proving how this creek bank is eroding on both sides of the creek behind my house. I've observed it over 30 years in this location.

([02:45:14](#)):

Three years of loud construction noise. Thank you for illustrating that beep for three years is going to be hell. And it's not even legal from some of the research I've done, but law firms and Lawrence represent developers. So what lawyer could I get in this town? I'd like to know city planners. Their job is to facilitate developers. That's their job. A couple commissioners profit from developers or their wives. Maybe why isn't this plan going before the county commission first? I'm not the only one that asked this. Why is this antiquated still in place from 1965? According to current zoning of the property, it would allow something like a nuclear facility to be built time.

Speaker 1 ([02:46:25](#)):

Thank you. Thank you Margaret.

Speaker 19 ([02:46:37](#)):

Christina McKenna. 6, 6 0 4 6. Obviously I live in Indian Hills, but these are my neighbors too and I'm going to ignore the climate science right now and go to physics because my industry is building and I live code, I breathe code. If we didn't follow code, I could just run around topless right here and no one could say a thing about it. But if we're going to have code, we should follow the code. In fact, there are a lot of changes to codes recently for density reasons and I support some of that. As it's been said, there are appropriate locations for that. There are appropriate locations to keep natural and to not overdo what they can handle. One of those things would obviously be the mental health of the people in that area due to number one, the construction for three years. And number two, the stress of always watching the water whenever something's going on and worrying they're going to flood. My basement does flood and I'm on a hill. It sucks. I have a sump pump. Still sucks, doesn't help anything. So all of that is on our dime. I would appreciate you listening to our neighbors because that is one of the biggest problems we have been having. Please listen to your neighbors. Please understand that this needs to undergo more thorough

evaluation. It is not ready yet and code, as far as I know in my industry of building things, code is king. So let's please follow the code at the very least.

Speaker 9 ([02:48:11](#)):

Thank you.

Speaker 18 ([02:48:18](#)):

Hi, I am Chris Flowers. I'm not supportive or necessarily against, but I just want to ask the question. When it comes to the environment, has anyone from our sustainability department, have they weighed in on the issue? I'm not saying these people are lying, but I am skeptical when it comes to environmental being brought up. If it's a group trying to use the environment as a reason to stop something, they might want to stop anyway. And I think there are legitimate concerns with this. So I don't want to say that these people are not concerned about the environment. I just want to say I don't think I've heard anyone bring up an expert on their end. But on your end, is there an expert who has said there's not going to be any flooding? Because I think we have some, don't we? I mean have a sustain.

([02:49:27](#)):

I don't know. You've made cuts. So do we still have the sustainability department and why can't they weigh in on it? They are our environmental experts. And also when it comes to density though, okay, it just seems kind of like we're talking about duplexes, right? Duplexes is too much density. Go to a poor neighborhood and look at the density in those neighborhoods. And I'm being told that duplexes in a rich, rich neighborhood, too much density. Come on. The poor neighborhoods have just as much density as what's being proposed. So if the poor people can deal with it, I say the rich people can deal with it too. So I just want to throw that out there. Duplexes are not too much density. And so that's pretty much all I have to say. And also when it comes to I want to talk about sprawl. If we don't build here, does that mean we're going to destroy some other environment? What is it, eight acres? I mean what we don't build there, we're going to have to build somewhere else. So I don't know. I think I might not build off the creek though, so I just want to throw that out there. But ask your experts when it comes to the environment. Thank you.

Speaker 1 ([02:50:54](#)):

Thanks Chris. Any other public comment in the room? Sherry, anybody online?

Speaker 6 ([02:51:09](#)):

Yeah, we do have a few online. Ryan?

Speaker 36 ([02:51:16](#)):

Yes, I'm here.

Speaker 6 ([02:51:17](#)):

Go right ahead.

Speaker 36 ([02:51:18](#)):

Yeah, thank you. I wanted to echo a lot of what was said by most of the former guests, but I do have a unique perspective. I live at 6 6 0 4 9. Sorry, I live at the corner there of Deerfield, but I also own the 26 acres of green space where this development would drain into. And so we have many, many houses in our community. This is right north of Peterson Road spanning all the way to almost I 70, which is where the power lines come in through. And so this isn't a hypothetical thing about flooding and erosion. The city has actually, since I moved here 15 years ago, the city has had to redirect the creek twice on both sides of

this green space. One on my cul-de-sac and then more recently on the other side of this green space. And I've been in contact with Kyle, go, I can't remember his last name, one of the city engineers to try to address some of the erosion problems back here that are definitely threatening our houses and driveways.

(02:52:24):

So the issue of this theoretical risk is not theoretical to me, and I probably have five or 10 people in our neighborhood who are also concerned about the creek's erosion potential. And yeah, I would also agree with the flooding, questioning the flooding zones because we've seen many times living here in the past decade that the water has gotten much higher up to a 50 year floodline at least multiple times. So I can't say I represent all the people in the neighborhood, but I kind of do own this creek. And so another question I would have is if this increases water flow even a little bit and increases the erosion and potential flooding, how liable am I for that? I was just notified that I had to get a big permit to change even a small area of the creek to prevent erosion, but my house. So it would seem only fair that the people doing stuff upstream would be somewhat responsible for that. So that's my comment, but again, I was just made aware of this project this morning, so I'm glad I caught this, but I echo a lot of the sentiments here.

Speaker 1 (02:53:31):

Okay, thanks Ryan.

Speaker 6 (02:53:33):

Rachel,

Speaker 37 (02:53:42):

Am I there? Am I here?

Speaker 9 (02:53:44):

Yes.

Speaker 37 (02:53:46):

Can you hear okay? Okay. Woo. Okay. Made it. Yay. I wish I was there in person.

Speaker 1 (02:53:55):

Us too.

Speaker 37 (02:53:56):

Party. Okay. Okay. My name's Rachel Eli, I live near Burs Creek. 6 6 0 4 4 and I, this is the fifth time I've talked about Deerfield Creek. We've never talked about the environmental impact in your discussion. My feelings are not hurt. Yes, we are. It's fine. We really need to talk about that because I got a lot more familiar with the plan 2040, the 2040 plan, and it's truly actually beautiful in what was come up as a vision for our community, and I'm telling you that this area that is being proposed to be developed fits almost all of the criteria of being a sensitive land. It has it's rare an animal plant habitat in that it is eight acres of unbroken canopy in within city limits. It's not technically a floodway or floodplain, however it does flood, so that needs to be in there. We have native woodlands.

(02:54:57):

It's secondary growth. It isn't primary, but it's still native woodlands, urban tree, canopy wetland. It is a stream corridor and it is on a steep slope. I'm not against density, I'm not against infill. This is an inappropriate place to put that many houses. You're going to literally blow up the side of the hill to put

more people there in the year 2025 when we have, how do I say this? I don't want to be, I can't even tell you. Our federal government has pulled us out of any sort of hope for national or federal climate changes or initiatives, which means that it's coming down to the local level. It's coming down to us to find local solutions, and the very first thing that we need to do is we need to not build in our waterways because Kansas is expected to have increase in droughts and flooding events.

(02:55:59):

This is happening. There is a thousand year hurricane that hit the mountains of North Carolina. There are wildfires in California. Just because we're in the middle of the state doesn't mean that we're not going to be impacted by these extreme weather events. It doesn't make any sense to build in these areas when they're going to feel more pressure. What makes them sense is to do something in this area that actually sinks more water. And so we take our creeks and we start restoring them so that they help work for us as opposed to putting more and permeable services, more things that are just going to exacerbate the water situation. Something. I have no idea how I'm doing on time, so I'm just going to keep going I guess. So the ecosystem services that were outlined in time 40, but I'm done. Thank you

Speaker 6 (02:56:54):

Steve Kelly?

Speaker 38 (02:56:57):

Yes, good evening. My camera isn't working correctly, but hopefully you can hear me. Can you hear me there?

Speaker 1 (02:57:03):

Yes. Yes, sir.

Speaker 38 (02:57:04):

Okay, very good. I wanted to speak in favor of action by the commission to approve this project or approve the final plan. This has been in process for two years. There's been multiple studies, considerable review. There's been a number of changes made to the project throughout the process to try to address some of the concerns, particularly the stormwater concerns that have been raised and based on the input of the city staff and their experts, it meets the criteria and has addressed the issues that have been raised. And as we all know, Lawrence has been working through a considerable housing shortage that has impacted the community in a number of ways. Most of them negatively or certainly all of them negatively as far as I'm concerned. And this is an opportunity to do infill, which has been one of the objectives of the community, a stated objective of the community that now is before us, and I'm just concerned that it seems highly unlikely that there's any process or any location in the community that will be acceptable for any kind of infill development based on what can always be the argument that this is not the right place for it.

(02:58:30):

There's always a veteran and a different place for it. This has been through significant review has been back and forth. A lot of people have opined on it, and I would ask that the commission take the step and move forward to approve the final plan so this mad needed housing can actually take place. Thank you.

Speaker 1 (02:58:54):

Thanks, Steve

Speaker 6 (02:58:55):

Taylor Hodge.

Speaker 39 ([02:59:01](#)):

Hi. Can everyone hear me and see me? Yes. Thank you so much. My name is Taylor Hodge. I'm 6 6 0 4 9. I first wanted to fully acknowledge the need for more affordable housing in Lawrence, especially housing that doesn't increase urban sprawl. This has my full support whether or not the developers in Lawrence who unfortunately we've seen put profits above all else, including human health and the law, whether or not these developers are concerned about affordable housing is neither here nor there. The main point that I would like to bring to the commission tonight is that I would urge the commission actually to not vote on this final development plan at this time and to instead go through the proper process of bringing the final development plan to the city planning commission so that those experts might review and provide their recommendation, especially as the potential for this Tuesday night vote has implications for decades to come.

([03:00:09](#)):

The reason why I urge the commission not to vote tonight is because as we've seen, there has been significant community and neighborhood pushback against this project, especially in regard to flooding and erosion for both the new builds that are proposed and also the existing surrounding community. So much so that some have even dubbed the project the fall in the creek villas as opposed to the fall creek villas, which I thought was creative. Of course, if or when the villas flood or their foundation shift due to erosion, that bill would be footed by the people who have purchased the affordable housing or the homeowners, as would the increase in the insurance rates from flooding. And of course, that bill would not be footed by developers who will have already taken their money and abandoned the space and potentially the crumbling giant walls, which may be damning water or may not the very least the commission can do tonight for the concerned citizens of Lawrence is to take a pause and to not vote on this plan and instead go through the proper process of bringing this updated plan to the city Planning Commission, like how this process was supposed to go before.

([03:01:36](#)):

But now that the plan has been hopefully significantly updated, it should go back through the City Planning Commission so that they may provide their recommendation and so that those experts can support community with their questions and concerns. It feels like we are skipping some key steps and opportunities for experts and public engagement. And as someone who will be impacted by this project, that is definitely not a good feeling.

Speaker 1 ([03:02:06](#)):

Thanks Taylor. Time's up. Thank you.

Speaker 6 ([03:02:16](#)):

I have one more. Get it moved over. Rob Richardson, if you want to provide comment, you're going to need to accept the invitation to move to panelist. Rob Richardson.

Speaker 40 ([03:02:58](#)):

Thank you mayor and commissioners. Rob Richardson. Tonight I'm going to be speaking as president of Richardson Brothers Development. Normally I would speak for the EDC, but you heard comments earlier this evening talking about trust, and that trust goes multiple directions. There is a reason why you don't have very many developers in Lawrence. You don't have very many builders in Lawrence, and that's a trust issue with your process. You have qualified engineers that are sealing drawings that their professional reputation is on the line, get people without degrees, without certifications, feel like they can

come up and slander them and question them and you allow it to happen. Just for comparison, one of my clients just did 120 unit duplex development, KCK. They applied to the city for zoning on May 30th. They received their approval on July 31st, two months. Go look at the original date on this and ask yourself why you have a housing problem.

(03:04:01):

You have a housing problem because you have a process issue and a trust issue on multiple levels, but you need housing. Please for the love of God, approve this and start the housing in Lawrence again, this is small, a fraction of the units, maybe 10% of the units you could build in a year, but you need these units. And yes, it may not trickle down to the person in affordable housing, but it does provide move up housing and there is some degree of truth in the fact that when people move up to a different house, the house that they leave behind gets filled by somebody that can afford their old house. That's the way the housing market has worked for a long time, but obviously you have issues to address. You have hard job up here tonight, but I got to tell you, this isn't what people experience in other cities. That's why you see your developers and builders in Johnson County, Jackson County, Leavenworth County, they don't have the same process issues that they have in once. So sorry to be downer on that, but I really appreciate what you guys do. You guys do a great job. You've got a hard job, but please approve the housing tonight. Thank you.

Speaker 9 (03:05:22):

That's wrap.

Speaker 6 (03:05:29):

We have a few more who have raised their hand.

Speaker 41 (03:05:43):

Hello?

Speaker 6 (03:05:44):

Yes, Brie, go right ahead.

Speaker 41 (03:05:47):

I just wanted to comment. I live near this development or the proposed development and I live by the hallmark tributary, which I see the erosion when we get large rains. So I understand and see because it all obviously flows downstream. But I also work as a housing case manager in Lawrence, and I don't think I know the lack of affordable housing. I see it every day. I work with unhoused individuals who cannot find anywhere to live because of the greed in this town. So no, I don't trust the developers. I don't think this is going to be affordable, so pushing it as an affordable housing project is just asinine to me. I would really highly hope that you guys reconsider and push the vote back. Thank you so much for your time.

Speaker 9 (03:06:50):

Thank you.

Speaker 6 (03:07:11):

Kathleen Hodge. Go ahead, Kathleen. I think you're on mute

Speaker 9 (03:07:53):

There. Where



Speaker 6 ([03:08:03](#)):

Kathleen?

Speaker 42 ([03:08:07](#)):

Hello?

Speaker 6 ([03:08:08](#)):

Yes, go right ahead and provide your

Speaker 42 ([03:08:10](#)):

Call. Oh, sorry, sorry, sorry. Okay, I'm sorry. I'm a little backwards on technology. I just want to be quick because there have been so many people that have come out to speak about this issue and I am so proud of all the people that have done this, including my own daughter, and all I have to do is look out my window and see the woods out there. I live at the base of this development where you guys or the proposed development will be and the woods are necessary for the environment here. And my request tonight is that, that you guys do not vote on this tonight and put this forward to the planning commission for a further review. This is so important for the environment and everything that you've heard about tonight. So again, I beg you to please do that. Thank you,

Speaker 9 ([03:09:27](#)):

Kathleen. Welcome.

Speaker 6 ([03:09:38](#)):

One more. I'm trying to get over Thomas. If you want to provide comments, you'll have to accept the invitation to join as a panelist. Thomas. Thomas, you can go ahead and unmute and provide your comments.

Speaker 1 ([03:10:54](#)):

We can't hear you. I think you need to unmute yourself maybe. Okay. Using up his time there. Sherry, sorry, Thomas,

Speaker 6 ([03:11:29](#)):

Do you want to,

Speaker 1 ([03:11:30](#)):

I don't know. Is he not able to get through?

Speaker 6 ([03:11:36](#)):

Okay. I can't unmute him.

Speaker 1 ([03:11:41](#)):

Yeah,

Speaker 6 ([03:11:41](#)):

So

Speaker 1 ([03:11:48](#)):

All right. Well, I can summarize his thoughts. I bet you poetically I might add. Okay. Okay, let's maybe anybody else? Tom, we can't hear you. For some reason you're muted and we cannot hear in your comments, so we're going to have to move on if we can't.

Speaker 5 ([03:12:16](#)):

He looks

Speaker 6 ([03:12:17](#)):

Frozen.

Speaker 5 ([03:12:17](#)):

Yeah,

Speaker 6 ([03:12:18](#)):

He's frozen

Speaker 1 ([03:12:19](#)):

Right's frozen. Okay.

Speaker 6 ([03:12:21](#)):

Oh, there he goes. Camera

Speaker 1 ([03:12:23](#)):

On. We're okay. Is that it?

Speaker 6 ([03:12:26](#)):

That's all the comments.

Speaker 1 ([03:12:27](#)):

Okay. Alright. Commissioners gotten a lot of feedback.

Speaker 5 ([03:12:41](#)):

Mary did have a couple more questions for staff. Sandy, could somebody speak to one of the thoughts that was brought up by one of the neighbors was 134% density that they talked about that it does not meet that criteria if that is a criteria.

Speaker 6 ([03:13:00](#)):

I also want to let you know, Sandy, that Randy's on and it looks like he wants to talk and Melinda also joined the meeting. Perfect. Sorry, I'm short. Randy, we can't hear you. Randy.

Speaker 7 ([03:13:17](#)):

He's unmuted ex parte.

Speaker 6 ([03:13:19](#)):

He is unmuted

Speaker 7 ([03:13:47](#)):

The microphone.

Speaker 43 ([03:13:51](#)):

How about this? Does that work?

Speaker 5 ([03:13:53](#)):

Yay.

Speaker 43 ([03:13:54](#)):

Alright, this is Randy Lar, deputy city attorney. That decision was made when you approved the final development plan. The only thing here before you'd stay is the final development plan. 99.5% of the time, this is just an administrative decision by the planning director. You ask when you approve the preliminary development plan that it come back so that you could review the stormwater plan and in reviewing the final development plan, basically step into the shoes of the planning director. So so long as this final development plan meets basically meets the requirements of the preliminary development plan and the stormwater plan meets the city code, then you have to approve it. If it does not meet the preliminary development plan or if the stormwater plan does not meet the city code, then you have to deny it. It's a ministerial decision and that's what you're tasked with tonight in reviewing this final development plan as opposed to preliminary development plan, which has already been approved.

Speaker 7 ([03:15:04](#)):

So we have a limited rule tonight governance in this place.

Speaker 43 ([03:15:10](#)):

If is there any large deputy attorney, yes, this is a ministerial decision. If it meets the requirements for getting a file development plan, then it gets it. And if it does not meet it, then it cannot get it. So that's basically the 10 of your decisions.

Speaker 1 ([03:15:26](#)):

So Randy, can you highlight that does not meet it? I want to make sure everyone understands, including myself, that that would be a thing determined by the engineering staff or is that something that you think we are supposed to be determining? I want to make sure I understand

Speaker 43 ([03:15:43](#)):

Based on what city staff was presented to you. If it complies with the preliminary development plan and the stormwater plan is in compliance with the city code, then you have to approve it. And if it does neither of those things or only one of those things, then you have to basically, you don't deny it, you send it back to the planning director to work out a new plan and it'll come back to you, is really what the only two choices you have because at this point the preliminary development plan has been approved and then if it goes and they can't come together with a plan that matches the city code, then they can't do it. But if it doesn't meet the city code or if it doesn't meet the storm water requirements, then you send it back to the planning director and they try to work out another plan if they can. You have to take probably direction from the stormwater engineers and the city engineers as to whether or not it meets the stormwater criteria. I do not know that myself.

Speaker 1 ([03:16:38](#)):

Thank you. I thought so. Thank you. Appreciate that.

Speaker 5 ([03:16:44](#)):

Okay, so then I would ask the engineer if this stormwater plan meet is in compliance with city code.

Speaker 44 ([03:16:58](#)):

Good evening commissioners. This is Melinda Harger, assistant Director of Municipal Services and Operations. Our engineer that reviewed this, Kyle Reitz is out of office this week, but he did update Aaron and I before he left. He did an extensive review back in March when this was resubmitted back and forth with the cooking also at our model. And this plan does meet our city code and our storm water management criteria.

Speaker 5 ([03:17:35](#)):

One more question then if that's the case on one of the maps, that's map number one. There's about 28 30 different notes that were included with that, and one of them is number 12, which indicates that the public stormwater or storm sewer necessary for the development and long maintenance shall be the responsibility of the city of to what extent, what parts are we responsible for? Is it just in the creek where the stormwater comes into the creek and goes through that culvert? Or do we also responsible for the infrastructure of the stormwater system on the properties itself? I know the street's a private street.

Speaker 44 ([03:18:20](#)):

Yes, the enclosed stormwater system that's there adjacent to the street, that would be city infrastructure. The enclosed storm sewer we're also responsible for the culvert, but not the open channel. There is a maintenance agreement that would be required. It was previously mentioned in the meeting, but the HOA is responsible for that.

Speaker 5 ([03:18:41](#)):

So if it comes down, and this is all done in that we find that the water's just coming too fast and through that culvert and it can't handle it, who'd be responsible for having to size that culvert to better meet the needs

Speaker 44 ([03:19:01](#)):

That would be on the city to provide any upgrades to that existing Colbert if it does not satisfy with the higher intensity storms that we anticipate with climate change. We are seeing that throughout our system. That's one of the things we've been looking at with our asset ID and modeling program is finding the areas where we do have capacity concerns. One of the things that the stormwater engineer did look at was that this, what drains into that culvert we're pretty much at fully developed after this plan. So this watershed is going to be fully developed, so there's not a lot of additional flow that we would expect beyond what would be produced with this development build out.

Speaker 5 ([03:19:50](#)):

Okay. It seems to me, what I just noticed from the plat is that it looks like the water off the streets, especially in the driveways, that it'll move faster towards that culvert at castle in Tomahawk. And so I don't know if they look, I'm sure they looked at that and so I'm sure they looked at that, right?

Speaker 42 ([03:20:16](#)):

Yes, they did.

Speaker 5 ([03:20:17](#)):

Yeah.

Speaker 1 ([03:20:19](#)):

Yeah. Can I dovetail on that? We talked about the size of the culvert, we're talking about the receiving culvert. I went inside it, it's pretty large. Can you kind of help us understand how many large culverts we have in our community like this and how often we utilize these means of conveyance for stormwater and how often they fail? Generally speaking?

Speaker 44 ([03:20:45](#)):

Generally speaking, those larger culverts, it is a very rare occurrence that we would have those be the issue in the system that cause the flooding. Yeah,

Speaker 9 ([03:20:55](#)):

I

Speaker 44 ([03:20:55](#)):

Thought many times when we are called out after a major rain event, if something has plugged an inlet that's pretty common. Or in an open channel, if there's been a lot of debris that has been washed down and then blocked a culvert that could cause it. But the culvert itself having a capacity issue, that would be rare unless we see a collapse or something along those lines.

Speaker 1 ([03:21:20](#)):

And then the backup to those that are on the upstream end or that would receive flood waters that would be plugged up in the existing conveyance, not the culvert, but the natural and manmade conveyance along the road. Currently, I know that we utilize people's property for surface storage and then conveyance. However, I want to make sure I understand. If we change the course, or excuse me, if we clean up the course of this conveyance, will that assist in moving water downstream more rapidly or would cause more backup for those people that came here concerned about the flow?

Speaker 44 ([03:22:02](#)):

So you're saying if we clean up the channel,

Speaker 1 ([03:22:05](#)):

We'll go water. What's going to happen

Speaker 44 ([03:22:06](#)):

Water,

Speaker 1 ([03:22:08](#)):

In other words, if they develop this area and the channel right now has a lot of rip wrap in it, there's a bunch of dead vegetation. It's completely unacceptable conveyance in my opinion right now it's unsafe snagging, it's just not acceptable. So assume we just cleaned that ditch up to begin with.

Speaker 44 ([03:22:25](#)):

Yes. If that's cleaned up and then maintained in that cleaner condition, you're going to get the flow and the capacity. It's going to leave that area quicker and not build up to create flooding upstream of that condition of that area.

Speaker 1 ([03:22:40](#)):

And thirdly, people were mentioning flooding in the upstream area, excuse me, the downstream conveyance areas after it reaches the surface flow into the Northeast and then runs into Deerfield Park. People mentioned flooding there. I haven't heard much about that. Can you highlight, is there really currently some major, for example, we had a major stormwater event. Can you touch on what happened in that event perhaps in that area? Were there any complaints or any calls out to the community to deal with any flooding in those areas?

Speaker 44 ([03:23:09](#)):

I can't speak to any that were elevated to me. I know Kyle gets a large number, every rain event. A lot of times we put in work orders again to clear inlets or other things that our field staff can take care of, but he did not elevate any of those to me of the five or six that I've heard here in the last few months.

Speaker 1 ([03:23:31](#)):

Okay. And then lastly, does the landowner required to do any improvements to the ditch slash creek that runs through the property currently in order to assist in ameliorating any upstream flooding? Or is the landowner only required to make changes to that in the event that there's complaints or problems with the conveyance?

Speaker 44 ([03:23:55](#)):

Currently you're asking about the creek itself and the maintenance of it?

Speaker 1 ([03:23:58](#)):

Yes, yes.

Speaker 44 ([03:24:02](#)):

I do not think we currently have a maintenance agreement on file, however, according to code that is on the property owners to maintain.

Speaker 1 ([03:24:11](#)):

Okay. Alright. Thank you. Any other questions? Okay. So I guess if we don't have any questions, how about some comments or moving this forward?

Speaker 7 ([03:24:47](#)):

Well, I think as we came into this, and again, we're approving a final development plan, which as noted was only because we sent it back because when we took the vote of the preliminary plan, of course we were definitely concerned about the flooding on this creek and it's been 18 months. They've made changes, they've moved lines, they've added things. And as Randy said, it puts us in a ministerial position of deciding whether or not it meets that code. And we view that I believe, I trust what the engineers have done. I've seen not only our engineers, I mean not only the development engineers, but more importantly our engineers as well as just my own observing of how they have made changes to it. And so I do think



it's a considerably better plan in terms of stormwater than what we saw before. And I believe it meets the code and therefore all supported.

Speaker 4 ([03:25:57](#)):

Okay,

([03:26:02](#)):

Mayor, we've seen this a couple of times and the first time I saw it, I voted against it. Second time I saw it, I voted against it and I continue to see it and I'm going to vote against it. We're in this predicament because we opened up, we allowed the can to be open to take us on this path and it bothered, I'm almost a little bit speechless right now because it's either up or down based on the administrative piece. But we had the ability at the first time that we had this project to say no.

([03:26:43](#)):

And I think a lot of the reasons why we did not that some of us did not say no to that was because we wanted to give an infill development project a chance that no one wanted. When we initially got this project, it was touted as a 55 plus project, two story townhouses is not what people 55 and over want. I'm downsizing my mother right now from a two story, from a two level house. We've bastardized infill development and we've pinned up against 2040 and we've made it a bit messy because I think we just did not know and we don't, we're still uncomfortable around infill development and its purpose and its intent. And I've said this again and I'm going to continue to say it again because things like this, I hate being generalized. I'm not in the pockets of developers. I don't benefit from this, but I've shared that while Plan 2040 does speak to infill development, this commission has the ability to put a stamp and say, we want infill development to look like this to shape this.

([03:28:00](#)):

And when we don't do that, then yes, we live in this ambiguity and we end up going down a path that maybe some of us expected this to come and we knew we would have to vote like this. Some of us probably didn't realize the extent of what our decision was back in whenever we voted on this, but I'm just so disheartened because this is a project that nobody wants this benefits, no one in our community. I don't like being compared to unified government. We're not unified government. We don't have that government structure. I don't like being compared to Johnson County. We're not Johnson County, but we do need to get a better understanding. And I think this commission in our policy, developing authority needs to figure out what we want infill development to look like in this community and call it out. Because if not, we're still going to see. We're going to keep having these pieces pop up. So I don't like it. I didn't like it at the beginning. I didn't like it the first time, the second time, and I don't like it now. But here we are.

Speaker 1 ([03:29:19](#)):

Okay. Thank you.

Speaker 2 ([03:29:27](#)):

Yeah, it was helpful for Randy to go ahead and state that and provide that text because since he has it does meet those requirements of predevelopment, sorry, the development plan and then also the stormwater management plan and seeing as we've sent it back to go ahead and have that information regarding stormwater management and they have provided an agreement as well. And our role is ministerial. I would say it meets it. So appreciate that.

Speaker 1 ([03:30:11](#)):

I appreciate Commissioner Seller's comments also about what we want infill to look like. This is definitely one that came around in early December of 2000. Was it 23? I can't remember. So I agree this was a difficult decision at the time. I know it crosses a lot of borders for me, but back to our role here today is to either determine whether or not these conditions have been met and to approve it accordingly. And from what I've seen, I've been satisfied with that. So I'm going to vote in favor it. Anybody want to comment or put it up? Motion?

Speaker 7 ([03:30:55](#)):

I'll make a motion. I do want to note just for future discussions that one of the unique things about this property and this infill was it was not a rezoning. I mean technically speaking plan 2040 applies to rezonings.

Speaker 9 ([03:31:12](#)):

It

Speaker 7 ([03:31:12](#)):

Applies when you're changing the zoning aspects of it and then you look to see if the zoning aspects, this was zoned already, so it was not zoned again, never went through a rezoning. It was only a preliminary development plan. So it's not a consideration where we're looking at Horizon 2020 and seen if this piece of privately owned property that has been zoned a certain way should it be changed. That's what was unique to me about this property. It's different when we are looking at a piece of property that the city owns or a piece of property that's zoned vacant or a piece of property that's zoned commercial and someone wants to make it residential or it's single family and they wanted to make it multifamily. This was a zoned piece of property and so the decision criteria to me for that property and for future infill projects is different than most ones that we see because of the question about whether or not rezoning side, but it is a very important question about what we want infill to look like. But I just want to point that out, but I would make a motion I move to approve the file development plan DP 25 dash zero seven for Fall Creek Villas based on the findings of fact presented in the body of the staff report and subject to the conditions listed in the staff report.

Speaker 1 ([03:32:34](#)):

Okay. I have a motion on the floor. Is there a second? Second. Can I speak at all? A motion and a second? Motion by Commissioner Finkel Dye. Second by Commissioner Littlejohn. All in favor say aye. Aye. Aye. Those opposed?

Speaker 4 ([03:32:47](#)):

No.

Speaker 1 ([03:32:48](#)):

No. Motion passes. Three to Was that an nay two? Yeah. Commissioner. Okay. Thank you. Motion passes. Three, two sellers and Larson in the minority.

Speaker 7 ([03:33:02](#)):

Can I take a break?

Speaker 1 ([03:33:03](#)):

Yes. Sorry about that. This is longer than I anticipate. We're going to go ahead and take a 10 minute break if that's okay. We'll be back in 8 33. All right, let's go back here. Okay, we're going to go back to our regular agenda, which is our next item is a work session. And the work session provides an opportunity for the city commission to discuss items in greater detail. The commission will take no binding actions on items presented during this time. Work sessions, topics are eligible for public comment. Members of the public will be limited to three minutes per comments on this item. Work session item.

Speaker 45 ([03:43:51](#)):

Good evening, mayor and commission. I'm Relle Matthews, the director of finance, and tonight we are bringing you the 2024 annual comprehensive financial report, more commonly known as the ER. I'd really like to start out by recognizing the team that worked so diligently on this report with Jennifer W, my deputy director here with me tonight. Todd Fisher, Christie Bowles, Josh Wisenbaker, Mary Big Bigs and Paula Atran. In addition to the full finance team and all our business partners in our departments who helped us very diligently with answering questions and preparing documents, the AFER is our annual financial report and indicator of our financial performance, which also includes an independent auditor's report. Happy to report this year that our audit was issued with an unmodified opinion, which is the highest opinion that our audit and financial statements can receive. We were also able to create and issue this report by the Government Finance Officers Association June 30 deadline, which is an accomplishment for us as we've not been able to do that the last couple years.

([03:44:59](#)):

That's great. We're roughly about 45 days ahead of where we were last year. We have also applied with this AFER for the certificate of Achievement and Excellence and financial reporting with the Government Finance Officers Association. I'm happy to report that we were awarded that certificate for our 2023 ER to be able to accomplish this award. Our financials and audit are peer reviewed by credentialed members of A-G-F-O-A panel and compared against a 51 page checklist. We were only one of 30 public entities in the state of Kansas to get this award last year, and this is the city's 33rd certificate since the creation of this program with GFOA.

([03:45:45](#)):

So this year we provided in your packet and provided a printed copy. This is 182 page report that takes over six months of work by the team I mentioned earlier. We prepare roughly 250 individual documents to prepare for the audit or to respond to our auditor's question. Our reports also comply with government accounting standards, board accounting rules, and so as of 2024, we adopted GASB 101 and by the end of 2026 we will be at 104. So for a little context, in 1999, there were 34 GAB standards. So some quick math says that that's on average. We've adopted three new standards every year for the last 25 years. In addition to the annual report, something we made available today online is a second financial document called the Popular Annual Financial Report. This is a summarized document intended to convey the results of the full AFER in a more highlighted and summarized fashion to users that may not have a background in public finance.

([03:46:59](#)):

I'm pleased to report that we also received A-G-F-O-A award for Excellence for our 2023 popular annual report with some special thanks to Allie Porter and Mary Bisby as the popular report is a document we really co-create as a team for our community, both the annual financial report and the popular report are available on our finance website for anyone that would like to review them. So now for the details of this presentation, I'm going to turn it over to RSM, which is our independent auditor. Tonight we have Kevin Smith, our partner with RSM, who's going to continue to discuss the results and the details of the audit.

Speaker 46 ([03:47:35](#)):

Thanks result. Hi, good evening Mayor Commission. I'm not going to go through that 186 page document that Rochelle mentioned, but just echo what she said about the opinion that RSM gave on that document was a clean opinion. One of the other parts of our audit is looking at federal grant compliance. So there's a separate report within your materials, our compliance report, and that shows the results of both internal controls over financial reporting and also compliance and internal controls over grants. Federal grants pleased to report that there were no findings over federal grant programs this year. There's a summary of prior year findings in there and it's noted that anything that had been reported last year was corrected and not repeated This year. There was only one deficiency reported and it was a result of adjusting entry that had to be made as a part of the audit really with a timing difference with some revenue recognition, but it was not determined to be a material weakness, but it is something you'll see within that compliance report reported to you. So overall great results. Happy to answer any questions that any of you might have about the audit or any of the deliverables, the technical details, is

Speaker 1 ([03:48:49](#)):

That what you mean? Yeah. Okay. And does anybody have any questions on the audit at this point in time? Okay, well I think we're good for now then until somebody else,

Speaker 7 ([03:49:01](#)):

I'm going to have some, but go ahead. You above a comment. I was going to get to some here. Okay,

Speaker 1 ([03:49:12](#)):

Not right now.

Speaker 46 ([03:49:13](#)):

Do you have anything else to add? That's, thank you. Thank you very much.

Speaker 1 ([03:49:16](#)):

Our list of questions. Okay, thank you. Alright, thanks.

Speaker 21 ([03:49:31](#)):

Well,

Speaker 1 ([03:49:38](#)):

While he does that, I'm really proud of y'all for getting this done for successfully having another clean audit and I appreciate the effort it takes and I know that I don't do this for a living, but I pay people to do it for me and I appreciate the complexity of what you're dealing with I'm sure, but it's really important for us to maintain these level of services for a lot of reasons. But the way we're borrowing money lately, this is our best protection for lower rates and for allowing us to be capable of doing the great things is to maintaining clean and orderly financial business in the back of the house allows people to judge us for a city that can pay its bills, is responsible and does things the right way. And I appreciate that and I know I'm sure others in this town do, but I really appreciate the work and after reading this, it's clear that you guys are ahead of schedule and I appreciate that because we need all the data we can get to make the best decisions we can get. So thank you.

Speaker 4 ([03:50:38](#)):

Absolutely. Thank you Michelle. I have a quick question. Speaking to the mayor's point a bit. We get these reports that talk talks about the financial controls and the health of the financial health of the city.

And I know that we've been going through the process with budgeting and things have become the process of how we do that. We have more individuals who are in tune and connecting to that. And we talked, I think we've alluded to a little bit of the technical pieces and sometimes what is talked about publicly doesn't necessarily is different from the controls of an auditor, whether it's a forensic auditor or whatnot. Can you all kind of speak to that and sometimes where it may look like it's apples to oranges, but it is apples to apples and why that translation often, I shouldn't say translation, maybe the language changes as far as to be able to make it more understandable to the lay person than it is to those who are actually doing the work from day to day.

Speaker 45 ([03:51:48](#)):

Sure. So our audit is prepared on something called full modified accrual, which means it's a very robust set of reporting that there's a lot of very technical conversions and how things are reported, whether it's on a balance sheet or income statement that can be very complex. It goes back to those soon to be 104 standards and the GFOA checklist at last check is 51 pages of bulleted point items that we must comply with to issue these statements. So in an effort to issue a budget book or financial reports, we will issue those or present those in a different manner to try to make, to your point, to make them more understandable and to make them read more like a standard profit and loss statement for transparency.

Speaker 9 ([03:52:35](#)):

Thank you.

Speaker 7 ([03:52:41](#)):

Okay. I finally remember finally found my question. The question was about the one finding about the restatement on the temporary notes, and I think I understand the correction really. I understand the correction. My question was more specific said the city and the corrective action taken, the city has developed a template to account for bond proceeds and temp note proceeds. Is that a new template or is that something we've done in the past or

Speaker 45 ([03:53:16](#)):

So those were from the 2023 audit that we then put those in controls in place for the 2024 fiscal year. Those are then tested, reviewed by the auditors to pass to remove those off this year. So I wouldn't necessarily call it a new template. We updated an existing asset to fit the needs based on guidance we got from outside auditors and a review of GFOA standards.

Speaker 7 ([03:53:42](#)):

Okay, got it. So that was from the 2020. Yes.

Speaker 45 ([03:53:49](#)):

So when we have any sort of corrective action or findings, then we are given the opportunity to correct that and then that's part of some of those documents that we prepare and bring forward in the next year's audit.

Speaker 7 ([03:54:01](#)):

Okay. Thank you for that.

Speaker 1 ([03:54:09](#)):

That was my only question. Any other questions or commissioners on this before receive any public comment? Nothing. Okay. Go ahead and open it up to public comment on this issue. The work session item,

Speaker 19 ([03:54:37](#)):

Christina McKenna 6 6 0 4 6. The research by the Coalition for Collaborative Governance has identified major inconsistencies between the city's budgeted numbers and the actual financial outcomes, especially in the areas of debt, debt, service, payments and capital expenses. In several cases, the differences are not minor in total tens of millions of dollars when the best and most accurate financial practices are followed, budgeted and actual numbers should align closely. These discrepancies suggest that key financial data may be unclear or misrepresented in making it harder for you, our city leaders to make informed and responsible decisions. Remember that this is the issue we continue to bring forward. This city would like to know that you fully understand all impacts and input where our lives, finances, businesses and families are concerned. For example, in 2024, the city budgeted 125 million in capital expenses but only spent 30 million, budgeted 88 million in debt payments but only paid a 51 million and reported 50 million in revenue from debt when the actual figure was over 83 million.

([03:55:35](#)):

This is just a snapshot of the broader problematic pattern we're seeing where did the difference in numbers originate and where did the overages or underpayments get put? At the same time, the city has budgeted over \$300 million in new debt in a short span of three years. That makes this the most important possible moment to ensure our financial practices are accurate, transparent, and grounded in long-term planning. Please see Holly Krebs email for further detail and a great chart and plenty of questions. One of the main concerns was identified in the city's continued use of one year temporary notes to fund long-term multi-year projects In 20 25, 70 2 million in short-term notes was used for 28 different projects, over half of which were already funded by similar notes in 24. This approach is usually used during times of financial strain, not during stable periods, and it clouds the city's true long-term debt obligations.

([03:56:26](#)):

We've heard several justifications for this practice, lower interest rates, flexibility and avoiding arbitrage or earning too much interest. But based on our research and consultation with financial experts, those reasons no longer hold true. In fact, continuing this method may now cost more and limit the city's ability to plan responsibility affecting all of our futures. In short, we believe legacy practices carried over from past administrations may now be outdated, inaccurate, and unsustainable. This is a call for all of us to look clearly at the system and ask whether it's still serving the city's best interest. As commissioners, you're the steward of our community's financial future and we urge you to take this opportunity to bring greater clarity, accountability, and long-term financial stability to Lawrence. You owe this to yourselves as well as to the city of Lawrence and the communities you're elected to serve. Remember this while we vote to ensure that transparency, accountability, and inclusiveness become the rule and not simply a memory of how began.

Speaker 1 ([03:57:24](#)):

Thank you. Thank you.

Speaker 15 ([03:57:36](#)):

John Ams 6 6 0 4 9. I've had the pleasure of reading the last three years of annual comprehensive financial reports. It's certainly exciting reading. Looking at the trend lines, it's pretty clear that the city primarily lives off of property tax debt. The interest you accrue from that and several other sources and grants is what I meant to say. But the grants are drying up and you can see how they diminish over that time period because the administration's changed during that time period. And so we have a problem in



having to compensate for that loss of grant money, whether it comes from the state or the fed. Fed gives it to the state, the state gives it to you all, which is why I objected earlier. I understood your answer, but I objected earlier to the abeyance of property tax for the benefit of builders. I understand we have goals for building, but we also have a cash problem.

(03:58:44):

And so something has to give somewhere and the citizens need to know the cost of some of the things that we've traditionally done for different programs for different reasons because we're going to run into a train wreck insofar as being strapped. And so I think it's incumbent on you all to have a regular educational session to help the citizens understand why sometimes you're going to start saying no more often instead of yes and then looking for raises in property tax to pay for it. You don't have that many sources. Last time I was here I talked about you could sell liquor licenses or you could charge people for driving downtown. You're certainly going to look seriously if you haven't already done it to charge people for going through the various rock chalk and parks. But it's a growing issue and you can see it in these reports. So I appreciate you all starting to talk to the citizens about some of the hard decisions that need to be made. Thank you. Thank you.

Speaker 1 (03:59:55):

Anybody else want to speak to this in the room on this work session item? Anybody online? Sherry,

Speaker 6 (04:00:03):

There's no comments online.

Speaker 1 (04:00:04):

Okay. Thank you. Anybody else? Okay, commissioners.

Speaker 4 (04:00:13):

So I just have one more question. Are we not following best practices?

Speaker 45 (04:00:24):

To the best of my knowledge, we are following all GASB guidance and best practices that we have. We are, as a finance team, always open to, we continue our education with GFOA. We consult with our peers both in the eastern side of the state and as Kansas Wide Governments Association. And so from auditing and finance, I do believe we are following not only our own internal practices that we've documented, but best practices to the best of our ability.

Speaker 4 (04:00:56):

Thank you. Okay.

Speaker 7 (04:01:00):

Questions? I would echo some of the previous comments and I'll come back to, I'm surprised Lisa's not saying this back in the day when,

Speaker 5 (04:01:09):

Well, I was

Speaker 7 (04:01:10):

When we weren't, we weren't getting clean audits and we did not. We had several years where we had some issues there and so to have a string of clean audits for the last, I can't how many years now?

Speaker 45 ([04:01:27](#)):

10 years? I think we've had unmodified.

Speaker 5 ([04:01:29](#)):

No, not that long.

Speaker 7 ([04:01:31](#)):

Not

Speaker 45 ([04:01:31](#)):

That

Speaker 5 ([04:01:31](#)):

Long.

Speaker 7 ([04:01:31](#)):

No, no. We had a couple just when I joined the commission, so it's probably six years at least. And we were getting them done, like you said, a lot later in the year. And so appreciate this and appreciate the information and appreciate the audit. I did have one question. Remind me, and I know we asked this most years rism, are they under contract for another year in audit?

Speaker 45 ([04:02:02](#)):

Yes. We have one more extension and then we would need to recure those services

Speaker 7 ([04:02:06](#)):

One more year of audit, then we'll redo that. Perfect. Well thanks to SM for your work and appreciate all the work on this.

Speaker 5 ([04:02:15](#)):

Yeah, yeah. I'm really appreciative of the reports and all the work that's been put into this. And just going back with my history, that was, we had just strong much difficulties with our audits early on when I was with the commission and coming up with having clean audits now did not happen by chance. It was by design when we invested millions of dollars into our finance department to get the software and change. When I first came on the commission, the commission dealt with the fact that we were operating off a 30-year-old system finance system from what I understand. And so we made the choice the commission did to start investing in bringing us up to the 21st century and staff responded, and you guys have worked really hard to get where we are today, but we made the monetary investment to do that. And that's the key with all of our infrastructure programs. If we don't make the monetary choice to do that, then we're going to continue to get systems that just aren't up to snuff as far as I'm concerned. So we got to make the monetary investment in order to get good results, and I think we're doing that not only we do it with finance, but we're also doing it with our infrastructure.

Speaker 45 ([04:03:40](#)):

If I may, I would be remiss in giving kudos to my efficient and effective process partners along the lines of what you said with investing in a new ERP system and really being able to respond faster and have better tools to be able to answer questions, but also working with our IT friends of being able to provide safe and secure access to, one of our biggest successes this year was speeding up the time to do reviews where we were allowed to give the auditors limited safe access to the system without having to print and scan and send stuff back and forth. I would have no doubt that that saved us dozens of hours in this processes. And so I think in addition to the investment in our infrastructure and sound fiscal stewardship, even leveraging our partners with my co champion Brian and our efficient and effective processes, we could not have done as much as we've done without the assistance of his team.

Speaker 1 ([04:04:34](#)):

Awesome. That's great. Thank you. Anything else to add? We thank you very much. Thank you. Thank you. Okay. I think I need to move on to commission items. I just want to bring up one thing if that's okay. You want to comment on our friends from ska, they delivered this to you. You want to speak to that? I think since you were the one, I want to make sure you get that opportunity.

Speaker 7 ([04:05:04](#)):

Yeah, thank you for that. We did have our friends from RACA 10 students came and they presented us a beautiful silk that comes from close to them in the same state county sort of region, not from Raska itself,

Speaker 1 ([04:05:25](#)):

Yokohama.

Speaker 7 ([04:05:26](#)):

And yes, thank you for that. And three adults and 10 students. And then we got a lovely letter from the Mayo. This is the 32nd youth delegation, and as we know, it marks the 35th anniversary of our sister city relationship and we will be sending a delegation to Japan in October to celebrate the 35th anniversary. We do that every five years and I'm hoping to be able to go on that trip and meet the mayor and thank him personally. Awesome. It was great.

Speaker 1 ([04:06:08](#)):

Well, thanks again for the students and to the Sister Cities groups and keeping that relationship alive for 35 years. It's not easy and it's hard work for everybody, but it's kind and awesome to see the people come and bring us these things that keep this relationship alive. So thanks for showing that and receiving them the other day. Any other commission items? Okay, any future agenda items you'd like to review?

Speaker 7 ([04:06:40](#)):

Keeping busy the next three weeks

Speaker 1 ([04:06:45](#)):

And if not, then we can move on to the city manager's report.

Speaker 38 ([04:06:50](#)):

Mayor, the only item is your ex parte disclosures that are coming

Speaker 1 ([04:06:54](#)):

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Up. Very good. Any comment on the city manual report? Okay. Seeing none commission calendars looks good. Okay. If no comment on that.