

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, OCTOBER 21, 2009

4:00 p.m. – County Commission Meeting

-Convene

-Consider approval of the minutes of September 16 and September 23, 2009

CONSENT AGENDA

- (1)(a) Consider approval of Commission Orders;
- (b) Consider approval of Notice to the Township Board for Cereal Malt Beverage Licenses for Flamingo Enterprises and Flamingo Enterprises/The Bird of Lawrence (Clerk's Office)
- (c) Consider approval of Class "B" Club License for the Bird of Lawrence (Clerk's Office)
- (d) Consider approval to access the U.S. Communities Contract with Ricoh Business Solutions for multi-function copiers (Jackie Waggoner)
- (e) Consider recommendation to replace one 2010 police car for the Sheriff's Office (Ken McGovern)

REGULAR AGENDA

- (2) Consider approval of a resolution establishing a policy relating to the issuance and allocation of Recovery Zone Facility and Economic Development Bonds and consider approval of bond applications (Roger Zalneraitis)
- (3) Consider request for Scott Chesbro for entrance permit for Lone Star Lake Road to his property (Paul Davis)
- (4) Receive and discuss 2009-2010 Snow & Ice Control Manual (Keith Browning)
- (5) Executive Session on two (2) items for the purpose of consultation with County Counselor on matters, which would be deemed, privileged under the attorney-client relationship. The justification is to maintain attorney client privilege on a matter involving Douglas County.

RECESS UNTIL 6:35 P.M.

- (6) Consider approval of **SP-8-38-09**: a Site Plan for Westar fabric filter and scrubber upgrade project, located at 1250 N 1800 Rd. Submitted by Westar Energy, property owner of record. (Sheila Stogsdill, Assistant Planning Director)
- (7) Consider the appropriate range of variation for Mid-States Material's detailed reclamation plans for Phases 1A, 2, 3 and 4 of the Big Springs Quarry; 2 North 1700 Road. Submitted by Professional Engineering Consultants for Mid-States Ventures, L.L.C., property owner of record. (Mary Miller is the Planner)
- (8) Other Business
 - (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments
 - (c) Miscellaneous
 - (d) Public Comment
- (9) Adjourn

WEDNESDAY, OCTOBER 28, 2009

-Receive Planning review of the Conditional Use Permit and all conditions attached thereto as required by Condition of Use XIV of the Hamm Eudora Quarry [CUP-12-16-02]. (Mary Miller is the Planner)

WEDNESDAY, NOVEMBER 4, 2009

-Proclamation for Health Department (Colleen Hill)

-Lone Star Weed Discussion

-Consider approval of Notice to the Township Board for Cereal Malt Beverage Licenses for Flamingo Enterprises and Flamingo Enterprises/The Bird of Lawrence (Clerk's Office)

-Consider approval of Class "B" Club License for the Bird of Lawrence (Clerk's Office)

FRIDAY, NOVEMBER 6, 2009

9:00 a.m. -Canvass for Baldwin Special Election

WEDNESDAY, NOVEMBER 11, 2009

THURSDAY, NOVEMBER 12, 2009

6:00 p.m. – Annual Joint Township Officials meeting at the Douglas County Fairgrounds (Building 1 & 2)

WEDNESDAY, NOVEMBER 18, 2009

-Notice to Township for Cereal Malt Beverage Licenses

-Recognize volunteers for Emergency Management (Jillian Blair) (At approx. 7:00 p.m.)

WEDNESDAY, NOVEMBER 25, 2009

-No Commission Meeting

WEDNESDAY, DECEMBER 2, 2009

-Approve Cereal Malt Beverage Licenses

WEDNESDAY, DECEMBER 23, 2009

-No Commission meeting

Note: The Douglas County Commission meets regularly on Wednesdays at 4:00 P.M. for administrative items and 6:35 P.M. for public items at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.

1(b)

NOTICE TO THE TOWNSHIP BOARD

STATE OF KANSAS DOUGLAS COUNTY, ss

TO THE TOWNSHIP CLERK, GRANT TOWNSHIP

This is to notify the members of your Township Board that application has been filed with the Douglas County Commission for **Flamingo Enterprises/The Bird of Lawrence** to sell Cereal Malt Beverages in original and unopened containers and not by consumption on the premises

The Township Board may within (10) days file an advisory recommendation as to the granting of such a license and such advisory recommendation shall be considered by the Board of County Commissioners before such license is issued KSA 41-2702.

Done by the Board of County Commissioners this **21st Day of October 2009.**

CHAIRMAN

COUNTY CLERK

(SEAL)

The board of county commissions in any county shall not issue a license without giving the clerk of the township board in the township where the applicant desires to locate, written notice by registered mail, of the filing of the application.

Sales Tax Number: 48-1210049

Renewal: Valid from _____ to _____

(This form prepared by the Attorney General's Office)
(Corporate Application Form)

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES

_____, Douglas COUNTY, KANSAS _____,

TO THE GOVERNING BODY OF THE CITY OF _____, KANSAS

or

THE BOARD OF COUNTY COMMISSIONERS OF Douglas COUNTY, KANSAS

On behalf of the Flamingo Enterprises/The Bird of Lawrence

corporation whose principal place of business is 1626 E 1550 Rd Lawrence, KS

_____ and under authority of the resolution of the Board of Directors of said corporation, I hereby apply for a license to retail cereal malt beverages in conformity with the laws of the State of Kansas and the rules and regulations prescribed and hereafter to be prescribed by you relating to the sale or distribution of cereal malt beverages on behalf of said corporation; for the purpose of securing such license, I make the following statement under oath:

1. The proposed licensee is Flamingo Enterprises corporation with principal place of business at 1626 E 1550 Rd. The resident agent is Wesley R Kabler with offices at 1626 E 1550 Rd. Said corporation was incorporated on _____.

2. The following is the full and complete list of officers, directors, stockholders owning in the aggregate more than 25 percent of corporate stock, and managers of said corporation together with their positions and addresses, ages, dates of birth, places of birth, methods of acquiring United States citizenship - if acquired by naturalization, date and place of naturalization, and the length of residence in the State of Kansas.

Wesley R Kabler, President - Kansas-Life - Douglas County 43 years

3. The premises for which the license is desired are located at 1626 E 1550 Rd Lawrence, KS

(a) The legal description of the premises is 29-12-20 Grant Township

(b) The street number is Above

(c) The building is described as One Story Brick Building

(d) The corporate business under the license will be conducted in the name of the corporation or in the following name:

The Bird of Lawrence

4. The name(s) and address(es) of the owner or owners of the premises upon which the place of business is located is/are Flamingo Enterprises - Wesley Kabler

5. I hereby certify with regard to each of the persons named in number 2 above the following statements are true:

- (a) None of them has within the last two years from this date been convicted of
- (1) A felony
 - (2) A crime involving moral turpitude
 - (3) Drunkenness
 - (4) Driving a motor vehicle while under the influence of intoxicating liquor
 - (5) Violation of any state or federal intoxicating liquor law
- If any of the above have been convicted of any of the above, specified offenses, the details are set out hereinafter.
- (b) No manager, officer or director or any stockholder owning in the aggregate more than 25% of the stock of the corporation has been an officer, manager or director, or a stockholder owning in the aggregate more than 25% of the stock of a corporation which:
- (1) has had a retailer's license revoked under K.S.A. 41-2708 and amendments thereto; or
 - (2) has been convicted of a violation of The Drinking Establishment Act or the Cereal Malt Beverage Laws of the State.

6. The place of business will be conducted by the following manager or agent:

Name Wesley R Kabler

Address 1742 Lake Alvamar

Residence Lawrence, KS

Length of residence within this city or county in which the application is being made 49

Method of obtaining U.S. citizenship together with date of naturalization if such is the method _____

Date and place of birth _____

I hereby certify that with regard to this above-named manager the statement contained in number 5 above is in every respect true. If not, the details are set out hereinafter.

7. This application is for a license to retail cereal malt beverage for consumption on the premises (). For a license to retail cereal malt beverages in original and unopened containers and not by consumption on the premises ().

A license fee of \$ 125 is enclosed herewith.

I, Wesley R Kabler - President
(Name and position with corporation)

on behalf of the above-named applicant, hereby agree to comply with all laws of the State of Kansas, and all rules and regulations prescribed, and hereafter to be prescribed by you, relating to the sale and distribution of cereal malt beverages, and do hereby agree to purchase all cereal malt beverages from a wholesaler, licensed and bonded under the laws of the State of Kansas, do hereby further consent to the immediate revocation of the cereal malt beverage license issued pursuant to this application by the proper officials for the violation of any such laws, rules or regulations.

(Corporate Seal)

Flamingo Enterprises
(Corporation)

By Wesley R Kabler
(Signature and position of individual making application on behalf of corporation)

Attest: Witness

(Secretary of Corporation)

STATE OF KANSAS, COUNTY OF Douglas, ss.

I, Wesley R Kabler, President, of the
(Signature and official position)
Flamingo Enterprises, do
(Name of corporation)

solemnly swear that I have read the contents of this application, and that all information and answers herein contained are complete and true. So help me God.

Wesley R Kabler
(Signature and official position)

SUBSCRIBED AND SWORN TO before me this _____ day of _____,

(Character of official administering oath)

My commission expires on the _____ day of _____,

APPLICATION APPROVED this _____ day of _____,

By _____
(Official position)

of _____, Kansas
(City or county)

Recorded in Volume _____, at page _____

NOTE: A PHOTOCOPY OF THE COMPLETED FORM, TOGETHER WITH THE APPLICATION FEE REQUIRED BY K.S.A. 2001 SUPP. 41-2702(e), MUST BE SUBMITTED TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BUREAU, KANSAS DEPARTMENT OF REVENUE.

NOTICE TO THE TOWNSHIP BOARD

STATE OF KANSAS DOUGLAS COUNTY, ss

TO THE TOWNSHIP CLERK, GRANT TOWNSHIP

This is to notify the members of your Township Board that application has been filed with the Douglas County Commission for **Flamingo Enterprises** to sell Cereal Malt Beverages at retail for consumption on the premises: **1626 E 1550 Rd, Lawrence, KS** .

The Township Board may within (10) days file an advisory recommendation as to the granting of such a license and such advisory recommendation shall be considered by the Board of County Commissioners before such license is issued KSA 41-2702.

Done by the Board of County Commissioners this **21st Day of October, 2009**

CHAIRMAN

COUNTY CLERK

(SEAL)

The board of county commissions in any county shall not issue a license without giving the clerk of the township board in the township where the applicant desires to locate, written notice by registered mail, of the filing of the application.

Sales Tax Number: 48-0851547

Renewal: Valid from _____ to _____

(This form prepared by the Attorney General's Office)
(Corporate Application Form)

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES

_____, Douglas COUNTY, KANSAS _____

TO THE GOVERNING BODY OF THE CITY OF _____, KANSAS

or

THE BOARD OF COUNTY COMMISSIONERS OF Douglas COUNTY, KANSAS

On behalf of the Flamingo Enterprises/The Bird of Lawrence

corporation whose principal place of business is 1626 E 1550 Rd Lawrence, KS

_____ and under authority of the resolution of the Board of Directors of said corporation, I hereby apply for a license to retail cereal malt beverages in conformity with the laws of the State of Kansas and the rules and regulations prescribed and hereafter to be prescribed by you relating to the sale or distribution of cereal malt beverages on behalf of said corporation; for the purpose of securing such license, I make the following statement under oath:

1. The proposed licensee is Flamingo Enterprises corporation with principal place of business at 1626 E 1550 Rd. The resident agent is Wesley R Kabler with offices at 1626 E 1550 Rd. Said corporation was incorporated on _____.

2. The following is the full and complete list of officers, directors, stockholders owning in the aggregate more than 25 percent of corporate stock, and managers of said corporation together with their positions and addresses, ages, dates of birth, places of birth, methods of acquiring United States citizenship - if acquired by naturalization, date and place of naturalization, and the length of residence in the State of Kansas.

Wesley R Kabler, President - Kansas-Life - Douglas County 43 years

3. The premises for which the license is desired are located at 1626 E 1550 Rd Lawrence, KS

(a) The legal description of the premises is 29-12-20 Grant Township

(b) The street number is Above

(c) The building is described as One Story Brick

(d) The corporate business under the license will be conducted in the name of the corporation or in the following name:
The Bird of Lawrence

4. The name(s) and address(es) of the owner or owners of the premises upon which the place of business is located is/are Flamingo Enterprises - Wesley R Kabler

5. I hereby certify with regard to each of the persons named in number 2 above the following statements are true:

- (a) None of them has within the last two years from this date been convicted of
 - (1) A felony
 - (2) A crime involving moral turpitude
 - (3) Drunkenness
 - (4) Driving a motor vehicle while under the influence of intoxicating liquor
 - (5) Violation of any state or federal intoxicating liquor lawIf any of the above have been convicted of any of the above, specified offenses, the details are set out hereinafter.

- (b) No manager, officer or director or any stockholder owning in the aggregate more than 25% of the stock of the corporation has been an officer, manager or director, or a stockholder owning in the aggregate more than 25% of the stock of a corporation which:
 - (1) has had a retailer's license revoked under K.S.A. 41-2708 and amendments thereto; or
 - (2) has been convicted of a violation of The Drinking Establishment Act or the Cereal Malt Beverage Laws of the State.

6. The place of business will be conducted by the following manager or agent:

Name Wesley R Kabler

Address 1742 Lake Alvamar

Residence Lawrence, KS

Length of residence within this city or county in which the application is being made 49

Method of obtaining U.S. citizenship together with date of naturalization if such is the method _____

Date and place of birth 06/16/1940

I hereby certify that with regard to this above-named manager the statement contained in number 5 above is in every respect true. If not, the details are set out hereinafter.

7. This application is for a license to retail cereal malt beverage for consumption on the premises (). For a license to retail cereal malt beverages in original and unopened containers and not by consumption on the premises (X).

A license fee of \$ 75 is enclosed herewith.

I, Wesley R Kabler - President

(Name and position with corporation)

on behalf of the above-named applicant, hereby agree to comply with all laws of the State of Kansas, and all rules and regulations prescribed, and hereafter to be prescribed by you, relating to the sale and distribution of cereal malt beverages, and do hereby agree to purchase all cereal malt beverages from a wholesaler, licensed and bonded under the laws of the State of Kansas, do hereby further consent to the immediate revocation of the cereal malt beverage license issued pursuant to this application by the proper officials for the violation of any such laws, rules or regulations.

(Corporate Seal)

Flamingo Enterprises
(Corporation)

By Wesley R Kabler
(Signature and position of individual making application on behalf of corporation)

Attest: Witness

(Secretary of Corporation)

STATE OF KANSAS, COUNTY OF Douglas, ss.

I, Wesley R Kabler, President, of the
(Signature and official position)
Flamingo Enterprises, do
(Name of corporation)

solemnly swear that I have read the contents of this application, and that all information and answers herein contained are complete and true. So help me God.

Wesley R Kabler
(Signature and official position)

SUBSCRIBED AND SWORN TO before me this _____ day of _____,

(Character of official administering oath)

My commission expires on the _____ day of _____,

APPLICATION APPROVED this _____ day of _____,

By _____
(Official position)

of _____, Kansas
(City or county)

Recorded in Volume _____, at page _____

NOTE: A PHOTOCOPY OF THE COMPLETED FORM, TOGETHER WITH THE APPLICATION FEE REQUIRED BY K.S.A. 2001 SUPP. 41-2702(e), MUST BE SUBMITTED TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BUREAU, KANSAS DEPARTMENT OF REVENUE.

1(c)



JAMIE SHEW
DOUGLAS COUNTY CLERK

1100 Massachusetts
Lawrence, KS 66044

Phone: 785-832-5182
Fax: 785-832-5192

Marni D. Penrod
Chief Deputy Clerk

Keith D. Campbell
Deputy Clerk-Elections

2010

DOUGLAS COUNTY KANSAS OCCUPATIONAL LICENSE APPLICATION

DATE: 10/13/09

APPLICANT: The Bird of Lawrence

APPLICANT'S REPRESENTATIVE: Wesley R. Kabler

BUSINESS ADDRESS: 1626 E 1550 Rd Lawrence KS

STATE LIQUOR LICENSE NUMBER: 10-016-0297-00

BUSINESS PHONE: 785.843.9800

DOUGLAS COUNTY USE LOCATION: Above

Wesley R. Kabler

APPLICANT'S SIGNATURE

COUNTY FEE \$150.00

COUNTY LICENSE NUMBER 2

DATE ISSUED _____

KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIMES

Fee: \$ 150.00 (original)

LICENSE TAX NO. 2

2010

TO WHOM IT MAY CONCERN:

Occupation License is hereby granted to THE BIRD OF LAWRENCE

Of CLASS "B" CLUB LICENSE NO. 10-016-0297-00 for the year beginning **January 1, 2010**

at **1626 EAST 1550 ROAD, LAWRENCE, KS 66044** in the Township of **GRANT** in **DOUGLAS COUNTY, KANSAS**

Same having been approved by the governing body of said County as provided by the Laws of Kansas, K.S.A.41-2622, and the regulations of the Board of County Commissioners.

This License will expire DECEMBER 31, 2010 unless sooner revoked, is not transferable, nor will any refund of the fee be allowed thereon.

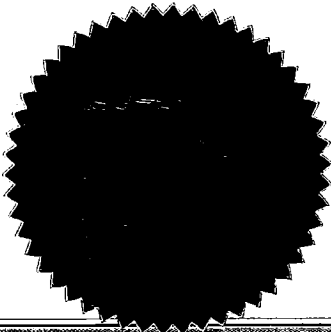
Done by the Board of County Commissioners of **DOUGLAS** County, Kansas

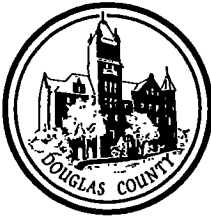
this 21st day of October 2009.

Attest:

County Clerk

Chairman






DOUGLAS COUNTY ADMINISTRATIVE SERVICES

Division of Purchasing

1100 Massachusetts Street
Lawrence, KS 66044-3064
(785) 832-5286 Fax (785) 838-2480
www.douglas-county.com

1(d)

MEMO TO: The Board of County Commissioners
Craig Weinaug, County Administrator

FROM: Jackie Waggoner, Purchasing Director 
Division of Purchasing

SUBJECT: Approve Accessing U.S. Communities Contract for Multi-function Copiers

DATE: October 15, 2009

On September 23, 2009 I provided the Board a summary (see attached) of six cooperative contracts we could access for our multi-function copiers. The Board authorized staff to finalize a lease contract with Ricoh Business Solutions.

The County has 51 devices we would lease for 60 months. Our equipment cost will be \$68,340 annually, or \$341,700 for the duration of the lease agreement. Service cost will be established at a cost per copy rate of \$0.055 per copy for color, and \$0.0067 per copy for black/white. This cost includes all consumable supplies except paper. Our estimated service cost is \$24,225 based on current volumes.

Following discussion with our IT staff about securing our data, we have selected a hard disk drive encryption card on the 48 devices that have a hard drive. The cost for this feature is \$3.80 per unit per month, or \$2,189 annually. As part of our negotiations, Ricoh has offered to absorb this cost. This would equate to a cost savings of \$10,945 over the course of our lease agreement.

I will be available at the commission meeting to answer any questions you may have.

RECOMMENDATION: The Board of County Commissioners approves accessing the U.S. Communities contract with Ricoh Business Solutions for a 60 month lease (including service) of 51 multi-function copiers.

	RICOH BUSINESS SOLUTIONS	CENTURY UNITED	UNISOURCE	TOSHIBA BUSINESS PRODUCTS	LOGAN BUSINESS SYSTEM	CENTURY UNITED
Cooperative Contract	U.S. Communities	U.S. Communities	AEP	States of MO, FL, UT	NCP & NJPA	Kansas State
Equipment Manufacture	Ricoh	Savin	Konica Minolta	Toshiba	Sharp	Savin
Meets Specifications	Yes	Yes	No (51 models)	No (2 models/4 devices)	No (6 models/46 devices)	Yes
Equipment Annual Cost (based on 60 month lease - 51 devices)	\$ 68,340	\$81,766	\$ 57,739	\$71,345	\$51,779	\$90,919 Yrs 1-3 \$72,008 Yr 4 \$35,761 Yr 5
Data Overwrite Security System & Encryption	\$ 2,208	\$4,201	2,744 (43 vs. 46)	\$ 2,285	\$ 2,088 (31 vs. 46)	\$5,672 Yrs 1-3 \$4,700 Yr 4 \$3,826 Yr 5
Service Annual CPC - Color (based on est. 75,000)	\$ 4,125	\$ 4,500	\$ 4,500	\$ 3,525	\$ 3,375	Option: No cost to remove HD \$3,917*
Service Annual CPC - B&W (based on est. 3,000,000)	\$ 20,100	\$21,000	\$ 15,000	\$ 20,100	\$ 24,000	\$18,252*
Equipment Removal Cost	Included	Included	Included	Included	\$ 4,000**	Included
Total Annual Cost	\$ 94,773	\$114,467	\$ 79,983	\$ 97,255	\$85,242** Yr 1-3 \$81,240** Yr 4 \$61,756 Yr 5	\$118,760 Yrs 1-3 \$98,877 Yr 4 \$61,756 Yr 5
Total Cost - 60 Month Lease	\$478,865	\$557,385	\$399,915	\$486,275	\$410,210	\$516,913
Equipment Purchase Price	\$305,875	\$360,110	\$240,580	\$284,469	\$216,179	NA
Data Overwrite Security System & Encryption (46)	\$ 10,373	Negotiate Cost	\$11,433	\$ 9,513	\$ 8,720	
Service Annual CPC - Color (based on est. 75,000)	\$ 4,125	\$ 4,500	\$ 4,500	\$ 3,525	\$ 3,375***	
Service Annual CPC - B&W (based on est. 3,000,000)	\$ 20,100	\$ 21,000	\$ 15,000	\$ 20,100	\$ 24,000	
Total Cost - 1st Year	\$340,473	\$385,610	\$271,513	\$317,607	\$252,274	
Total Cost - 5 Years	\$437,373	\$487,610	\$349,513	\$410,107	\$361,774	

* Based on an average .055 CPC for color and .007 CPC for b&w; each model has a different CPC and a different rate per year. B&W only identifies that the rates vary by equipment.

** Only applies to 1st year cost

*** Excludes 17-25 ppm models for they use RAM memory.

**** Excludes cost to purchase data overwrite security system

OFFICE OF

Steve Hornberger, Undersheriff
111 E 11th St – Operations
Lawrence, KS 66044
(785) 841-0007, fax (785) 841-5168



THE SHERIFF

Ken Massey, Undersheriff
3601 E 25th St – Corrections
Lawrence, KS 66046
(785) 830-1000, fax (785) 830-1085

KENNETH M. MCGOVERN
Sheriff

MEMORANDUM

To: The Board of County Commissioners
County Administrator Craig Weinaug

From: Sheriff Kenneth M. McGovern

Date: October 16, 2009

Subject: Consider Recommendation of Vehicle Purchase

The Douglas County Sheriff's Office is requesting authorization to purchase one 2010 Ford Crown Victoria police car to replace one vehicle which was damaged beyond repair in a motor vehicle accident. Budget funds and funds received from the insurance company will be use to cover the cost of this vehicle.

Each of our patrol vehicles are equipped with various items which will not fit into another make or model of vehicle. If another type of vehicle beside the Ford Crown Victoria should be purchased, it would cost an additional \$2,500, in addition to the price of the vehicle, to outfit the vehicle with new and comparable equipment.

The Sheriff's Office has obtained two bids from automobile dealers to replace the vehicle damaged in the accident. Shawnee Mission Ford, who participates in the regional cooperative bidding process, submitted a bid of \$22,340. Laird Noller Ford, a local dealer located in Douglas County, submitted a bid of \$22,285. Laird Noller's bid is \$55 less than the bid of Shawnee Mission Ford. Additionally, even though the documents from Shawnee Mission Ford indicate a 2009 Ford Crown Victoria, the dealership has assured Jackie Waggoner, the vehicle they would deliver would be a 2010 model.

Given today's challenging economic climate and the difficulties facing many local businesses, the Sheriff's Office would like to purchase this vehicle from Laird Noller Ford, a local, Douglas County, business. While the monetary savings by purchasing from Laird Noller Ford is minimal, the Sheriff's Office believes it is important to support local business when the opportunity presents itself.

Attached you will find copies of the bids submitted by both dealers. I will be available to answer any questions you may have.

Attachments

A handwritten signature in black ink, appearing to read "Ken McGovern", is written over a horizontal line.

LAIRD NOLLER AUTOMOTIVE, INC

935 W. 23RD ST
PO Box 38
Lawrence, KS 66046

(785)843-3500
800-281-1105
fax: 785-843-4056
email: dschmidt@lairdnoller.com

DATE: 10-7-09

Company: DG B. SHERIFF'S OFFICE

Attention: LT. GARY BUNTING

Fax No: 841-5168

Number of pages: 3 including this cover sheet.

MESSAGE

BID FOR A FORD 2010
CROWN VIC POLICE
INTERCEPTOR!
\$22,285.00

Thank You



Dak Schmidt
Fleet & Lease Manager

CNGP530

VEHICLE ORDER CONFIRMATION

10/07/09 18:03:13

Dealer: F53400

Page: 1 of 2

2010 CROWN VICTORIA

Order No: 0001 Priority: L3 Ord FIN: QC922 Order Type: 5B Price Level: 015
Ord Code: 720A Cust/Flt Name: DOUGLAS PO Number:

RETAIL

RETAIL

P7B POLICE INTERCEP \$27260
YG MED TITANIUM
I CLTH BKTS/VNL R
N CHARCOAL BLACK
720A ORDER CODE
.DUAL EXHAUST
.17" STEEL SPARE
.MANUAL AIR COND
.ENG IDLE METER

478 C/LAMPS DISABLE \$20
51A DRV SDE SPT LMP 190
525 SPEED CONTROL 225
53M NOISE SUPPRESS 95
552 TRACTION CONTRL 125
61H DECKLD REL IP/D 60
64N PAINTED WHL CVR 45

99V .4.6L OHC FFV V8 NC
44Q .ELEC AOD TRANS NC
TC1 .P235/55R17 BSW NC
179 POLICE PIGTAIL 25
21A PWR DRIVER SEAT 380
432 KEY CODE 1284X 50

TOTAL BASE AND OPTIONS 29430
TOTAL 29430

THIS IS NOT AN INVOICE
*TOTAL PRICE EXCLUDES COMP PR

* MORE ORDER INFO NEXT PAGE *

F1=Help F2=Return to Order
F4=Submit F5=Add to Library

F8=Next
F3/F12=Veh Ord Menu
F9=View Trailers

S006 - MORE DATA IS AVAILABLE.

QC05140

CNGP530

VEHICLE ORDER CONFIRMATION

10/07/09 18:03:33

Dealer: F53400

2010 CROWN VICTORIA

Page: 2 of 2

Order No: 0001 Priority: L3 Ord FIN: QC922 Order Type: 5B Price Level: 015
Ord Code: 720A Cust/Flt Name: DOUGLAS PO Number:

RETAIL

RETAIL

67R RR DR HND INOP \$25
794 PRICE CONCESSN
REMARKS TRAILER
948 RR WINDOW DEL 25
96B FRT MLDG UNINST 30
SP DLR ACCT ADJ
SP FLT ACCT CR.
FUEL CHARGE
B4A NET INV FLT OPT NC
DEST AND DELIV 875

TOTAL BASE AND OPTIONS 29430
TOTAL 29430

THIS IS NOT AN INVOICE

*TOTAL PRICE EXCLUDES COMP PR

F1=Help F2=Return to Order
F4=Submit F5=Add to Library

F7=Prev
F3/F12=Veh Ord Menu
F9=View Trailers

S099 - PRESS F4 TO SUBMIT

QC05140

MEMO TO: The Board of County Commissioners
 Craig Weinaug, County Administrator

FROM: Jackie Waggoner, Purchasing Director
 Division of Purchasing

SUBJECT: Consider Recommendation of Vehicle Purchase

DATE: April 16, 2009

The Sheriff's Office has funds allocated to purchase seven 2009 patrol cars. Five cars will be disposed of which we will sell online or through an auction service. The Sheriff was approved in the budget process to increase his fleet by one vehicle for the extra patrol personnel, and one will replace a vehicle that was totaled. Funds in the amount of \$148,000 are available in Equipment Reserve, and an insurance payment of \$21,215 will be received for the totaled vehicle.

Last year the County participated in a regional cooperative bidding process (KCRPC) for the acquisition of 2009 vehicles. Sixteen entities participated in the bids of forty different vehicle types. We may continue to purchase from the contracts until the manufacture's production cutoff date. The table below summarizes the cost from the awarded dealership, Shawnee Mission Ford:

SHAWNEE MISSION FORD - COST SUMMARY			
VEHICLE TYPE	BASE UNIT COST	OPTIONAL EQUIPMENT COST	
2009 Ford Crown Victoria Police Interceptor	\$21,685	Floor Covering - HD vinyl front & rear	\$ (80.00)
		Handles - inside rear door inoperative	\$ 25.00
		Handles - rear window inoperative	\$ 25.00
		Keys - all vehicles keyed alike	\$ 50.00
		Rear Deck Warning Light	\$ 250.00
		Police Pig Tails	\$ 25.00
		Bucket w/ power drivers seat	\$ 360.00
		Front cloth bucket, rear vinyl bucket	\$ 65.00
		Trunk opener moved to driver's door	\$ 60.00
		Electronic traction control	\$ 125.00
		Addl. Government Concessions	\$ (250.00)
		TOTAL	\$ 655.00
		Service manual (CD)	\$ 225.00*
		*order only 1	
Seven (7) Police Interceptor @ \$22,340 each		\$156,605	

It will cost approximately \$2,500 per patrol cars to be equipped for the road. The Sheriff and I will be available at the commission meeting to answer any questions you may have.

RECOMMENDATION: The Board of County Commissioners approves the purchase of seven patrol cars from Shawnee Mission Ford in the amount of \$156,605.

RESOLUTION NO. ____

A RESOLUTION ESTABLISHING A POLICY OF DOUGLAS COUNTY, KANSAS RELATING TO THE ISSUANCE AND ALLOCATION OF RECOVERY ZONE FACILITY BONDS AND ECONOMIC DEVELOPMENT BONDS.

WHEREAS, Douglas County, Kansas (the "County") is committed to high quality and balanced growth and development while preserving the County's unique character and broadening and diversifying the tax base; and

WHEREAS, the economic development goals of the County as expressed in Horizon 2020 include the expansion of existing businesses, development of new businesses, economic development activities which are environmentally sound, diversification of the economy, and the creation of quality jobs; and

WHEREAS, Recovery Zone Facility Bonds ("Facility Bonds") and Recovery Zone Economic Development Bonds ("Economic Development Bonds" and together with the Facility Bonds, the "Bonds") are financing tools authorized by the American Recovery and Reinvestment Act of 2009 which can assist with reducing financing costs for the creation of private facilities and public infrastructure that can help meet the economic development goals of the community; and

WHEREAS, the County finds it in the best interest of the public to establish certain policies and procedures for the consideration of requests that may be presented to the County by applicants for the expeditious use of Facility Bonds and Economic Development Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, THAT THE RECOVERY ZONE FACILITY BOND AND ECONOMIC DEVELOPMENT BOND POLICY FOR DOUGLAS COUNTY, KANSAS, IS AS FOLLOWS:

SECTION ONE: POLICY STATEMENT

It is the policy of the County to issue Bonds or cause the issuance of Bonds by political subdivisions within the County, in order to promote economic development and job growth within the County. A private entity (the "Facility Bond Applicant") may request the County to issue or allocate Facility Bonds to fund private projects that will contribute to job creation or retention, or provide job

training for the County workforce. A political subdivision within the County (the "Economic Development Bond Applicant") may request the County allocate Economic Development Bonds to fund public projects that will enhance employment opportunities or provide job training. These projects shall result in one or more of the following:

- the construction or expansion of buildings that results in increased employment or future employment opportunities within the County;
- capital investment in machinery and equipment that will enhance existing employment or provide future employment opportunities within the County;
- public infrastructure improvements or extensions by municipal governments to areas that are currently employment centers or are designated for future use as employment centers;
- the creation or expansion of job training programs; or
- other new projects, expansions, or capital improvements deemed by the County to enhance employment opportunities within the County.

In considering the issuance or allocation of Bonds, the Board of County Commissioners (the "Board") shall consider the criteria outlined in Section Two. When issuing Bonds, special consideration may also be given to public benefits such as strengthening economic development and employment opportunities, expanding the County's tax base, upgrading or renovating existing employment centers, and promoting sustainability and energy efficiency.

SECTION TWO: CRITERIA

It shall be the policy of the County to issue Bonds or allocate the ability to issue Bonds to other political subdivisions within the County, if, in the opinion of the Board, it is in the best interest of the County to do so, and if, in the opinion of the Board, the issuance of these bonds would meet one or more of the following criteria:

1. Create new jobs or retain existing jobs within the County.
2. Provide job training opportunities for workers undergoing career transitions or enhance the employment potential for people entering the workforce.
3. Allow for the upgrade of existing employment facilities or the creation of new employment facilities that will expand job opportunities and the tax base of the County.

4. Assist in the building of public or private infrastructure that will make areas identified for economic development growth "shovel ready" for new projects.

SECTION THREE: PROCESS FOR ISSUING OR ALLOCATING FACILITY BONDS

The process for issuing Facility Bonds shall conform with Kansas state requirements for issuing Industrial Revenue Bonds (IRB) when the IRB has no tax abatement associated with it.

1. The Facility Bond Applicant shall complete an application form as provided by the County Administrator's office and return the completed form, along with a \$500 application fee, to the County Administrator's office. The Facility Bond Applicant shall provide any clarification as needed or requested by the County.

2. The Facility Bond Applicant may request the County to allocate Facility Bonds to a city within the County so that the city may issue the Bonds, and must request that the Bonds be issued by a city if the Applicant is seeking tax abatement. If the Applicant desires a city to issue the Facility Bonds, the Applicant must provide, in addition to the application form and application fee, a letter from the city acknowledging that it will issue the Facility Bonds if an allocation is received from the County. If requesting tax abatement, the Facility Bond Applicant must follow all processes and procedures required for the issuance of abatement as defined by state law.

3. Upon completion of an internal review, the County shall schedule a Public Hearing before the Board on the allocation of Facility Bonds and Notice of Public Hearing shall be published in the local paper no less than 14 days prior to the hearing.

4. The Board shall then conduct the Public Hearing. If the Facility Bond Applicant is the landlord but not the tenant of the proposed facility to be financed with Facility Bonds, it is strongly recommended that the tenant also attend the hearing.

5. If the Board approves the allocation of the Facility Bonds to an Applicant or approves an allocation of the Facility Bonds to a city for issuance, the Board shall adopt a Resolution stating its intent to issue Facility Bonds (for projects where the County will issue the Facility Bonds) (a "Resolution of Intent") or an Allocation Resolution (for projects where a city will issue the Facility Bonds) (an "Allocation Resolution"), as the case may be. Such Resolution shall provide that the Facility Bonds must be issued within 60 calendar days of adoption of such Resolution. Such Resolution shall allow the Facility Bond Applicant to request an extension of up to 30 calendar days for the County or city to issue the Facility Bonds. If after 90 calendar days from the date that the Board

adopts the Resolution, the Facility Bonds have not been issued, the Resolution shall become invalid and the County may make such Facility Bonds available to other Facility Bond Applicants.

6. If Facility Bonds are to be issued by the County for a facility located within the city limits of a city or within 3 miles of the city limits of a city, the County shall notify the city within two business days of the Board's adoption of a Resolution of Intent. The city may specifically disapprove of the Resolution of Intent by providing written notice to the County within 7 business days after the next regular meeting of the governing body of the city following the Board's adoption of the Resolution of Intent. The city may approve the issuance of Facility Bonds either by an affirmative vote or by not holding a vote. A Facility Bond issuance can only be vetoed if the city actively votes to oppose the Resolution of Intent. The County may refund the application fee if a city votes to oppose the Resolution of Intent.

SECTION FOUR: PROCESS OF ALLOCATING ECONOMIC DEVELOPMENT BONDS

The County may allocate Economic Development Bonds to an Economic Development Bond Applicant if requested, or issue all or a portion of the Economic Development Bonds to fund certain public infrastructure required by the County to promote economic development and job growth in the County. In the event the County desires to issue the Economic Development Bonds, an Allocation Resolution is not required. An Economic Development Bond Applicant may request that the County allocate Economic Development Bonds for projects that the Economic Development Bond Applicant is otherwise authorized to issue debt to fund. Economic Development Bond Applicants shall apply for Economic Development Bonds through the following procedures.

1. The Economic Development Bond Applicant shall complete an application form as provided by the County Administrator's office and return the completed form to the County Administrator's office. The Economic Development Bond Applicant shall provide any clarification as needed or requested by the County.

2. Upon completion of an internal review, the County may schedule a Public Hearing on the allocation of Economic Development Bonds to the Economic Development Bond Applicant.

3. The Board shall then conduct the Public Hearing.

4. If the County approves the allocation of the Economic Development Bonds to the Economic Development Bond Applicant, the County shall adopt a Resolution formalizing such allocation (the "Allocation Resolution"). The Allocation Resolution shall provide that the Economic Development Bonds must be issued by the Economic Development Bond Applicant within 60 calendar

days of adoption of the Allocation Resolution. The Allocation Resolution shall allow the Economic Development Bond Applicant to request an extension of up to 30 calendar days to issue the Economic Development Bonds. If, after 90 calendar days from the date that the Board adopts the Allocation Resolution, the Economic Development Applicant has not issued the Economic Development Bonds, the Allocation Resolution shall become invalid and the County may make such Economic Development Bonds available for issuance by the County or allocation to other Economic Development Bond Applicants.

SECTION FIVE: APPLICANT REQUIREMENTS

1. The Applicant shall complete an application form as provided by the County Administrator's office. The Applicant shall provide any clarification as needed or requested by the County.

2. Facility Bond Applicants shall pay an application fee of \$500. The fee may be refunded if the city in which the project is to be located actively votes against the Resolution of Intent.

3. Upon the Board's adoption of a Resolution of Intent, the Facility Bond Applicant must also immediately submit a refundable deposit of \$5,000 to the County. The deposit will be used to cover any out-of-pocket costs the County incurs in connection with issuing the Facility Bonds. Any portion of the deposit that is not used to cover such costs shall be refunded to the Facility Bond Applicant after the issuance of the Facility Bonds. The deposit shall not be required if the Board adopts a Resolution of Allocation, allocating Facility Bonds to a city within the County so that the city may issue the Facility Bonds.

4. In conjunction with the Board approving the issuance of Facility Bonds for the benefit of a Applicant, or approving the allocation of Facility Bonds to a city for issuance to benefit an Applicant, a Letter of Intent shall be signed between the Applicant and County. The Letter of Intent shall require that the Facility Bonds be issued within 60 calendar days of the Board's adoption of a Resolution of Intent or Allocation Resolution, as the case may be. The Applicant may request an extension of up to 30 calendar days. The Letter of Intent shall stipulate that if the County (or city in the case of an allocation of Facility Bonds) has not issued the Facility Bonds within 90 calendar days, the Resolution of Intent or Allocation Resolution, as the case may be, shall become invalid and the County shall make the Facility Bonds available to other applicants. The Letter of Intent may outline other responsibilities between the County and Applicant as agreed to by both parties.

5. In conjunction with the County allocating the ability to issue Economic Development Bonds to another political subdivision within the County, the political subdivision shall agree, in writing, to issue the Economic Development Bonds within 60 calendar days of the County's adoption of an Allocation Resolution. The political subdivision may request an extension of up to 30 calendar days. If the Economic Development Bonds have not been issued by the political subdivision within 90 days after the Board's adoption of an Allocation Resolution, then such allocation shall be invalid and the County may make the Economic Development Bonds available for its own use or allocation to other political subdivisions.

SECTION SIX: PAYMENT OF CERTAIN COSTS

1. In addition to the \$500 application fee, the County shall require the Facility Bond Applicant to pay for all fees associated with the County's issuance of the Facility Bonds. These fees may include any costs incurred by the County for legal, bond counsel, financial and/or planning consultants, or for out-of-pocket expenses and other costs related to services rendered to the Facility Bond Applicant to review, evaluate, process, and consider the application for Facility Bond issuance. The \$5,000 refundable deposit outlined in Section Five will be applied by the County toward these fees. Any portion of the refundable deposit not used to cover County fees will be returned to the Applicant once the Facility Bonds are issued. The Facility Bond Applicant shall also pay the Administrative Fee (currently \$250) due to the Kansas Department of Commerce on the issue date of the Facility Bonds.

2. The political subdivision issuing Facility Bonds or Economic Development Bonds shall pay, or cause the Facility Bond Applicant to pay, all fees associated with the political subdivision's issuance of the Bonds, including the Administrative Fee (currently \$250) due to the Kansas Department of Commerce on the issue date of Economic Development Bonds.

SECTION SEVEN: AUTHORITY OF BOARD

The Board reserves the right to deviate from any policy, but not any statutorily required procedure, set forth in this Resolution, when it considers such action to be of exceptional benefit to the County or extraordinary circumstances prevail that are in the best interests of the County. Additionally, the Board, by its inherent authority, reserves the right to reject any proposal for an issuance or allocation of Facility Bonds or Economic Development Bonds at any time in the review process when it considers such action to be in the best interests of the County.

SECTION EIGHT: APPLICATION FOR BONDS

A copy of the initial application forms required for requesting the issuance of Facility Bonds or Economic Development Bonds is provided as an addendum to this Resolution.

SECTION NINE: EFFECTIVE DATE

This Resolution shall take effect immediately.

ADOPTED by the Board this _____ day of October, 2009.

BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS

Nancy Thellman, Chair

Jim Flory, Commissioner

Mike Gaughan, Commissioner

ATTEST:

Jameson D. Shew, County Clerk

Douglas County Recovery Zone Facility Bonds Application Sheet

Douglas County welcomes your interest in using Recovery Zone Facility Bonds on your new project. There has been significant interest in the Facility Bonds, and due to the limited amount of bonds available the County wishes to be able to fairly allocate them based on the quality of the investment and the ability of the project to achieve our local economic development goals. Your willingness to supply the following information is greatly appreciated.

Part I: Applicant Information

Applicant/Company Name: _____

Applicant Address: _____

Telephone: ()- - _____

Fax: ()- - _____

E-Mail: _____

Website: _____

Principal Contact(s) and Titles:

1) _____

2) _____

3) _____

Part II: Project Questionnaire

1. Please provide a brief overview of the project you are proposing: _____

2. Will you occupy the facility? ___ Yes ___ No

If you will not occupy the facility, please list the occupant:

(note: It is recommended that the facility Occupant attend the public hearing)

3. What is the size of the proposed construction or expansion: _____

4. What is the proposed *total* capital investment in:

Land: \$ _____

Buildings: \$ _____

Machinery/Equipment: \$ _____

Infrastructure: \$ _____

Job Training: \$ _____

Other (describe): \$ _____

5. What is the amount of Bonds that you are requesting? \$ _____

(Please note: IRS rules prohibit the use of Facility Bond proceeds for land acquisition.)

6. About how many jobs do you anticipate will be created by this project:

Number of new jobs: _____

Average annual salary: \$ _____

(note: please do not include jobs or salaries for construction of the facility)

7. Please provide a brief description of employee benefits offered (eg, health care, job training, retirement): _____

8. Horizon 2020 lists several types of industries that Douglas County is interested in growing or expanding. Please check any and all industries that your project matches:

- Life Sciences/Research;
- Information Technology;
- Aviation and Aerospace;
- Value-added Agriculture;
- Light Manufacturing and Distribution; or
- Other

If other, please describe briefly:

9. Will there be any sustainable or energy efficient design features? Yes No

If yes, please describe:

10. Please provide a timeline for completion of your project: _____

Part III: Use of Bonds, Applicant's Signature

As you may know, Recovery Zone Facility Bonds must be issued by the County or other political subdivisions within the County by July 1, 2010 or they will revert to the State for reallocation. In the interest of ensuring the use of all Facility Bonds allocated to Douglas County, the County wishes for any applicant receiving approval for the issuance of these bonds to agree to cause the County or other political subdivision within the County to issue the bonds within 60 calendar days of the allocation or return them to the County for other applicants to use. If bonds have not been issued within 60 days, applicants may request a 30 day extension.

1. Applicants who seek tax abatements must request the issuance of Facility Bonds through the local jurisdiction where the project will be constructed. Are you seeking tax abatements, or do you otherwise request that the Facility Bonds be issued through a taxing jurisdiction other than Douglas County? Yes No

If yes, please include along with this application a letter from that jurisdiction acknowledging their willingness to issue Facility Bonds for your project.

If you will not seek tax abatement, but are requesting that a taxing jurisdiction other than Douglas County issue the Facility Bonds, please explain why such taxing jurisdiction should issue the Facility Bonds:

2. Do you agree to sign a Notice of Intent stipulating that you will cause the County or other political subdivision within the County to issue the bonds within 60 calendar days (subject to a 30 day extension at your request) of the County allocating them to you or else release your allocation back to the County? Yes No

If no, please explain:

3. Do you agree to pay all fees associated with the issuance of the bonds, including administrative, legal, and other? Yes No

If no, please explain:

4. Will you use County bond counsel to assist with the issuance of these bonds?

Yes No

If no, please list bond counsel name and contact information:

Name: _____

Company: _____

Address: _____

Phone: ()- - _____

Fax: ()- - _____

e-mail: _____

I hereby certify that the foregoing attached information is true and correct to the best of my knowledge.

Date: _____

Applicant's Signature

Title

APPLICATION FORM FOR ECONOMIC DEVELOPMENT BONDS

**Douglas County
Recovery Zone Economic Development Bonds
Application Sheet**

Douglas County welcomes your interest in using Recovery Zone Economic Development Bonds on your new project. There has been significant interest in the Economic Development Bonds, and due to the limited amount of bonds available the County wishes to be able to fairly allocate them based on the quality of the investment and the ability of the project to achieve our local economic development goals. Your willingness to supply the following information is greatly appreciated.

Part I: Applicant Information

Political Subdivision Name: _____

Address: _____

Telephone: ()- - _____

Fax: ()- - _____

E-Mail: _____

Principal Contact(s) and Titles:

1) _____

2) _____

3) _____

Part II: Project Questionnaire

1. Please provide a brief overview of the project you are proposing: _____

2. Have you authorized the project and the financing of the associated costs? If so, please provide copies of the resolution and/or ordinance authorizing the project and financing. ___ Yes ___ No

3. Have you expended funds on the project? ___ Yes ___ No
If so, please describe.

4. What is the proposed *total* capital cost:

Land:	\$ _____
Buildings:	\$ _____
Machinery/Equipment:	\$ _____
Infrastructure:	\$ _____
Job Training:	\$ _____
Other (describe):	\$ _____

5. What is the amount of allocation that you are requesting? \$ _____

6. What type of financing is contemplated?
_____ general obligation bonds
_____ revenue bonds

_____ lease-purchase transaction

_____ other (Describe: _____)

7. If the project is to construct a building, will you occupy the facility? ___ Yes ___ No

If you will not occupy the facility, please list the occupant:

8. Please describe the anticipated economic impact of the project. Include your estimates of the number of jobs that you anticipate saving or retaining, job training skills that will be taught, or other benefits to the workforce and local economic environment:

9. Will there be any sustainable or energy efficient design features? ___ Yes ___ No

If yes, please describe:

10. Please provide a timeline for completion of your project: _____

Part III: Use of Bonds, Applicant's Signature

As you may know, Recovery Zone Economic Development Bonds must be issued by the County or other political subdivisions within the County by July 1, 2010 or they will revert to the State for reallocation. In the interest of ensuring the use of all Economic Development Bonds allocated to Douglas County, the County wishes for any applicant receiving approval for the issuance of these bonds to agree to cause the County or other political subdivision within the County to issue the bonds within 60 calendar days of the allocation or return them to the County for other applicants to use. If bonds have not been issued within 60 days, applicants may request a 30 day extension.

1. Do you agree to sign a Notice of Intent stipulating that you will issue the bonds within 60 calendar days (subject to a 30 day extension at your request) of the County allocating them to you or else release your allocation back to the County? Yes No

If no, please explain:

2. Do you agree to pay all fees associated with the issuance of the bonds, including administrative, legal, and other? Yes No

If no, please explain:

**SKEPNEK
FAGAN &
DAVIS, P.A.**

3
William J. Skepnek**

Brennan P. Fagan*

Paul T. Davis

Mark T. Emert*

Paul R. Klepper

* Also admitted in Missouri

** Also admitted in Texas and Oklahoma

October 16, 2009

Commissioner Nancy Thellman
Chairwoman, Douglas County Commission
1100 Massachusetts
Lawrence KS 66044

Mr. Craig Weinaug
Douglas County Administrator
1100 Massachusetts
Lawrence KS 66044

Dear Chairwoman Thellman and Mr. Weinaug:

Attached to this letter is the application of Mr. Scott Chesbro for a residential entrance permit from Lone Star Lake Road to his property, which abuts the lake. I believe all the Commissioners are familiar with this issue so I won't go into any detail in this letter.

We request that this issue be put before the Commission at their 4 p.m. meeting on October 21, 2009. Please let me know if I can provided any further information you might need. Thank you for your attention to this matter.

Very truly yours,
SKEPNEK FAGAN & DAVIS, P.A.


Paul T. Davis

PTD:kh
Encl

ENTRANCE PERMIT NO. _____

Date Flag Placed _____

DEPARTMENT OF PUBLIC WORKS, DOUGLAS COUNTY, KANSAS

PROPERTY OWNER Scott Chesbro (785) 691-6396
(Name) (Home Telephone) (Work Telephone)

ADDRESS c/o Paul T. Davis, Skepnek Fagan & Davis, 900 Massachusetts, Ste. 601, Lawrence KS 66044
(Street) (City) (State) (Zip)

LOCATION REQUESTED: COUNTY ROUTE/ROAD NUMBER Entrance Permit from Lone Star Lake Road

SECTION 12 TOWNSHIP 14S RANGE 18E QUARTER SW

SUBDIVISION _____ LOT _____ BLOCK _____

(Tie to local landmarks) _____

PURPOSE OF ENTRANCE: (Circle One) HOUSE FILED BUSINESS OTHER _____

Applicant/property owner should allow a 2 week period from time application is filed to being contacted by this department as to appropriate pipe size requirements for entrance.

Applicant/property owner hereby agrees to construct entrance according to specifications on attached standard and other requirements of the County Engineer, and to hold Douglas County harmless for any damage to applicant or others which occurs while working on County Right-of-Way. Applicant/property owner shall provide proper traffic control during construction. Applicant/property owner shall notify the Douglas County Public Works Department 24 hours prior to beginning construction and immediately upon completion of construction. Entrance must be completed and construction method approved by the Douglas County Public Works Department within 6 months of application date. If not installed and approved by the above stated deadline the application is invalid, any and all construction shall cease, and a new application for entrance must be made.

SIGNATURE OF APPLICANT/PROPERTY OWNER: Scott Chesbro DATE: 10-16-09

INSPECTION FEE: \$75.00 PAYMENT RECEIVED BY: _____

TO BE COMPLETED BY PUBLIC WORKS

SURVEY COMPLETION DATE: _____

SIZE REQUIRED: _____ GAUGEREQUIRED: _____

LENGTH REQUIRED: WITH ENDS: _____ WITHOUT ENDS: _____

NOTIFICATION LETTER: (circle one) sizeneed arch mound sizefld archfld moundfld

APPROVED: _____

Director of Public Works/County Engineer

(Date)

COMMENTS: _____

ENTRANCE COMPLETE AND ACCEPTED:

(Name)

(Title)

(Date)

SKEPNEK
FAGAN &
DAVIS, P.A.

William J. Skepnek**
Brennan P. Fagan*
Paul T. Davis
Mark T. Emert*
Paul R. Klepper

* Also admitted in Missouri
** Also admitted in Texas and Oklahoma

MEMORANUM

10/14/09

TO: Commissioner Nancy Thellman
Commissioner Jim Flory
Commissioner Mike Gaughan

FROM: Paul Davis *PD*

RE: Scott Chesbro Request for Entrance Permit

Commissioners:

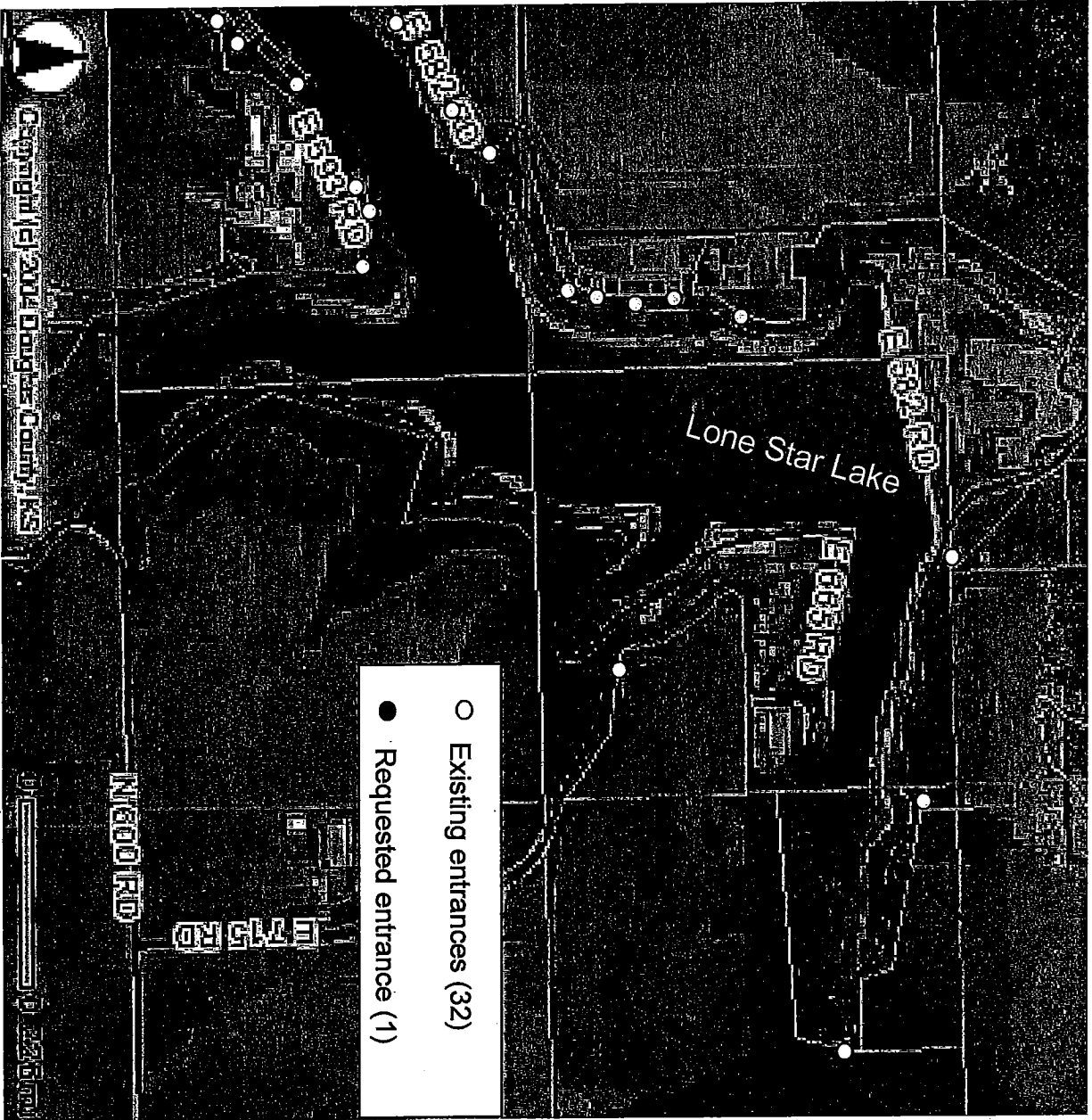
I wanted to thank you again for taking the time to meet with Scott Chesbro and myself regarding the issue he has with gaining access to the property adjacent to Lone Star Lake. Several of you requested some information regarding how many other entrances existed off of the Lone Star Lake road. The attached map shows the thirty-two other entrances that exist off of the road. I hope this information is helpful to you.

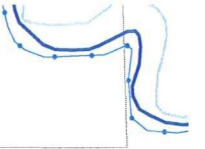
After meeting with each of you, I sat down with Craig Weinaug and discussed putting this issue on the Commission's agenda. It looks like you have a fairly light agenda on October 21st so this might be an opportune time to present our request for an entrance permit to you.

If you have any further questions or if there is any information we can provide prior to the 21st, please don't hesitate to contact me.

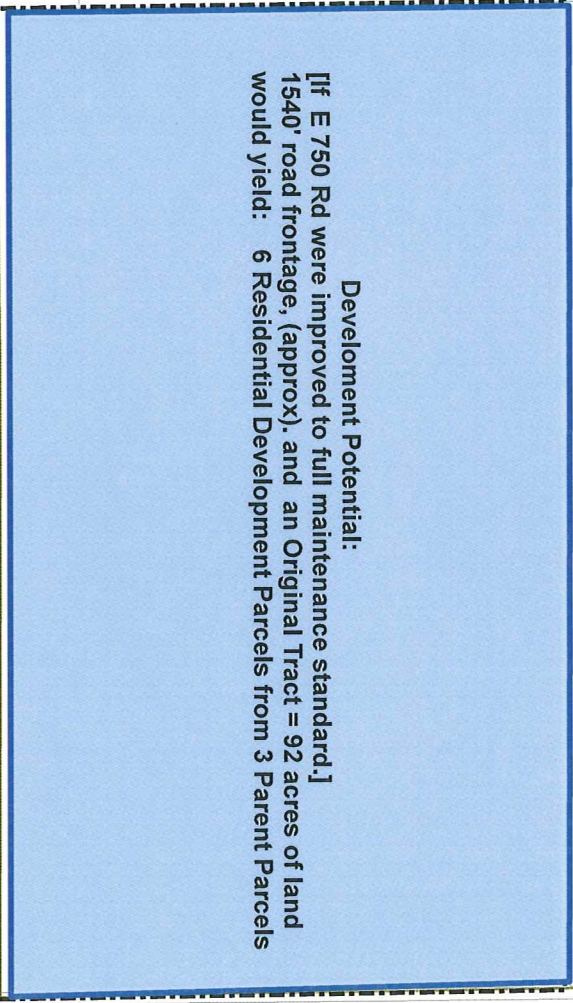
cc: Mr. Craig Weinaug

Entrance Request for E 715 Road



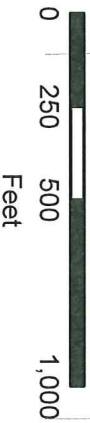


Development Potential:
[If E 750 Rd were improved to full maintenance standard,] 1540' road frontage, (approx). and an Original Tract = 92 acres of land would yield: 6 Residential Development Parcels from 3 Parent Parcels



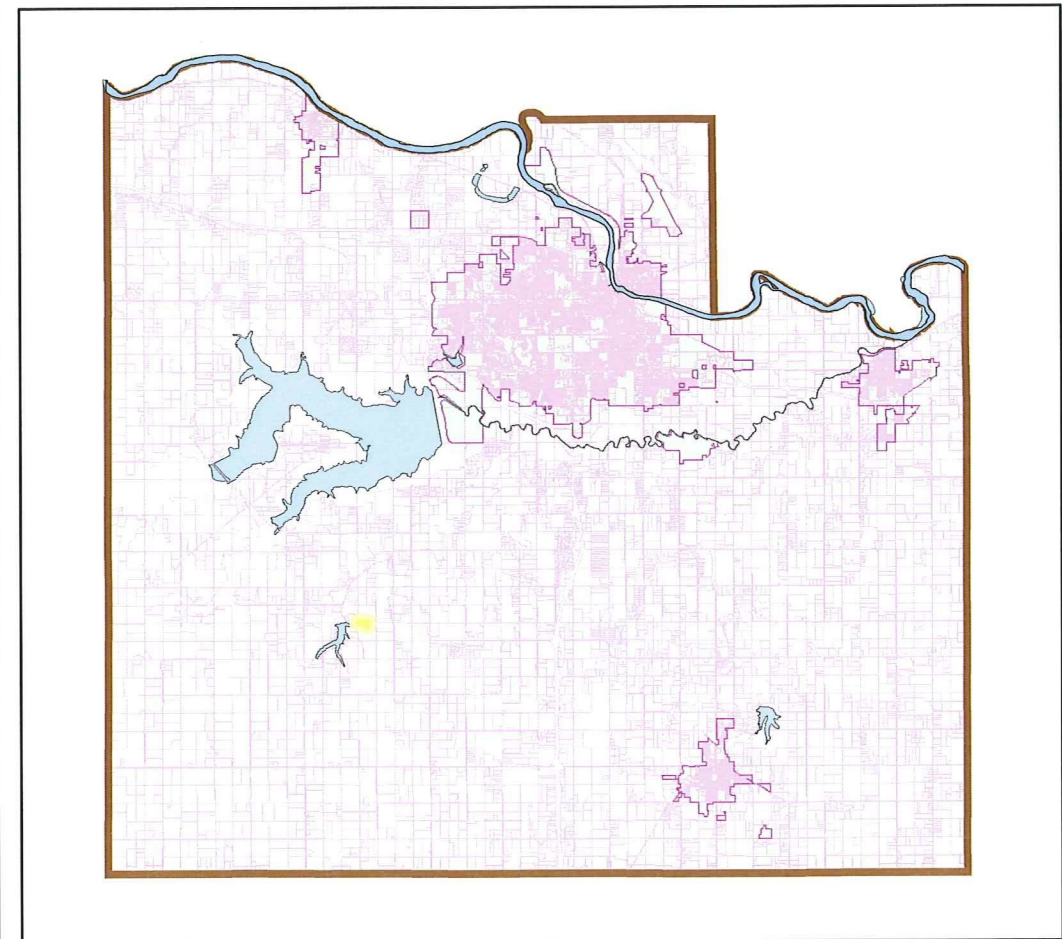
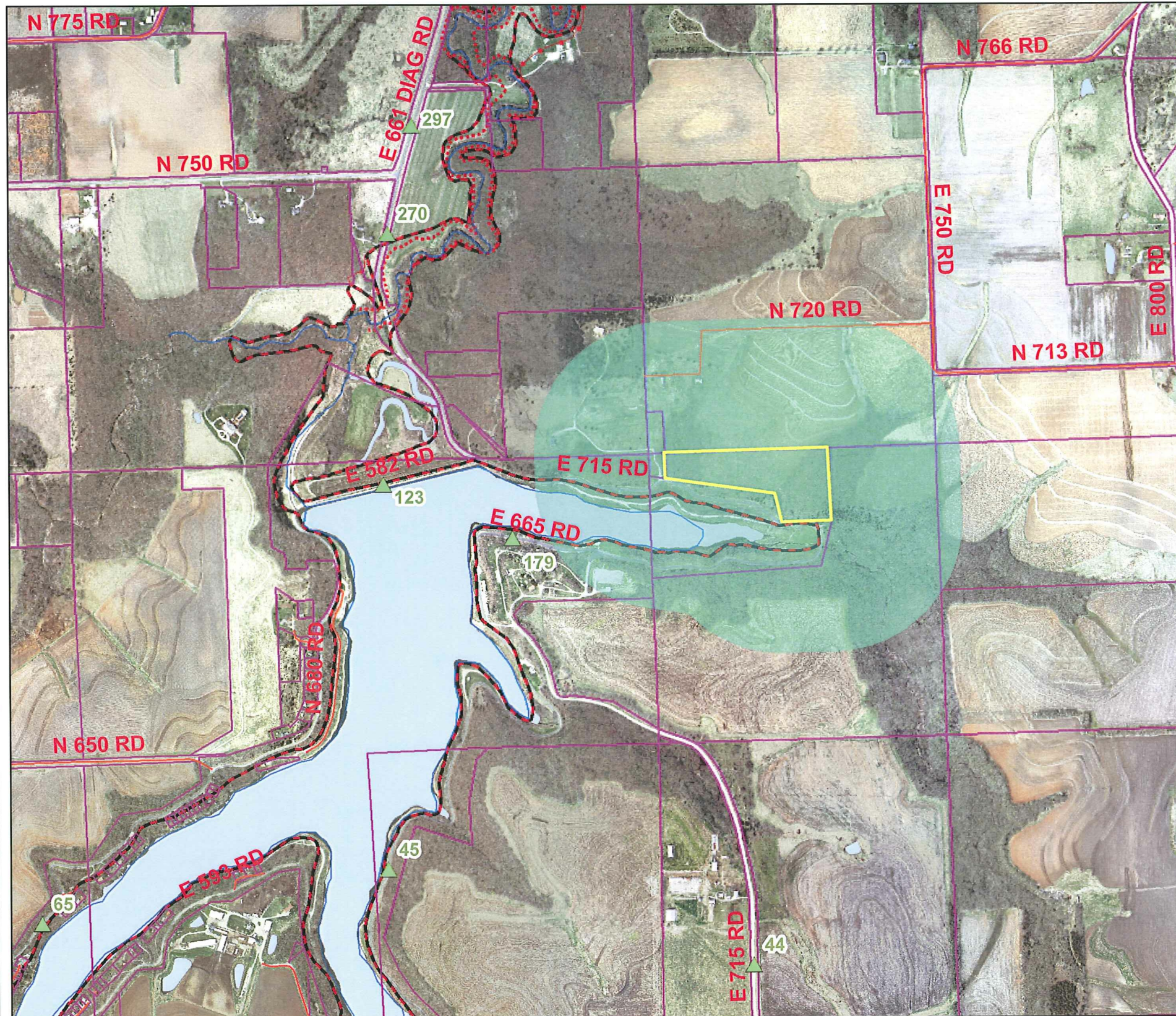
N 713 RD

E 715 RD

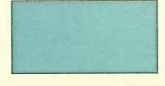

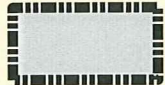


created 10-08-09
Scott Chesbro
12-14-18

Entrance for E 715 Rd



Entrance for E 715 RD

-  Entrance for E 715 RD
-  uga
-  city_limits09

This map was produced by Douglas County GIS.
It is for reference only and is not intended for conveyances, nor is it a legal survey. October 19, 2009

SKEPNEK
FAGAN &
DAVIS, P.A.

William J. Skepnek**

Brennan P. Fagan*

Paul T. Davis

Mark T. Emert*

Paul R. Klepper

* Also admitted in Missouri

** Also admitted in Texas and Oklahoma

October 20, 2009

TO: Douglas County Commissioners
FROM: Paul T. Davis
RE: Entrance Permit Request

Members of the Commission:

I am before you on behalf of my client, Scott Chesbro, to request an entrance permit off of the Lone Star Lake Road (Douglas County Road 1/East 715 Road). Mr. Chesbro owns approximately 180 acres that is adjacent to Lone Star Lake. This property has been used for agricultural purposes and has never contained a residence to the best of our knowledge.

Mr. Chesbro wishes to construct a residence on the property for he and his wife. He has no intention of developing the property or subdividing the property. Currently, the property has some serious access issues. The property can only be accessed off of a minimum maintenance township road (East 750 Road). This road is frequently flooded, thereby rendering the property inaccessible.

We have fully explored the option of improving this road, but have found this to be prohibitive for a number of reasons. In order to improve the road, it would have to be brought up to county regulations. This would require the addition of right of way on both sides of the road (unless the road was reconfigured). Mr. Chesbro has consulted with both of the affected landowners and believes that one of them will oppose this because improvement of the road and the required right of way designation would severely encroach upon his front yard.

Additionally, the cost of improving the road is significant. Mr. Chesbro engaged Landplan Engineering to conduct a cost estimate, which is attached. Mr. Chesbro would probably have to sell off part of his land in order to finance this and does not see a cost-benefit purpose in doing so.

Therefore, we believe that the entrance permit from Lone Star Lake Road is the best option to allow Mr. Chesbro to access his property. We fully understand the concerns of having numerous entrances off of this road. The fact of the matter is that thirty-two other entrances currently exist and this represents what we believe to be the only piece of land that is adjacent to Lone Star Lake that does not have a entrance from the road. Mr. Chesbro remains committed not to

develop the property or subdivide it whereby another request for an entrance could be made. He has also stated that he would be willing to give back one of the water meters that currently exists on the property, deed the requisite right of way back to the County to clean up the current right of way issues that exist, along with paving the entrance to his property and that of the adjacent Crawford property (which is currently a rock entrance that frequently empties onto the road).

We very much appreciate your consideration of this request. Our belief is that it represents the most reasonable solution to the access issues for all parties involved.



Landplan Engineering, P.A.

Opinion of Probable Construction Cost for 2400' of road build to county standards.
(18' wide gravel road with 2' wide, 2' deep ditch (3:1 & 2:1 slope) on each side)

1. Mobilization	\$ 5,000
2. Relocate Overhead Electric (<i>per Westar</i>)	\$ 25,000
3. Clearing & Grubbing	\$ 5,000
4. Earthwork (5,000 C.Y. Contractor Provided Compacted Fill @ \$6/C.Y.)	\$ 30,000
5. Gravel (4" x 18' x 2400' = 550 C.Y. → 950 Tons x \$25/Ton)	\$ 24,000
6. Culvert (assumed 1-18" culvert x 30' x \$40 + End Sections & Riprap)	\$ 2,000
7. Seeding	\$ 2,000
8. Erosion Control	\$ 2,000
9. Staking	\$ 5,000

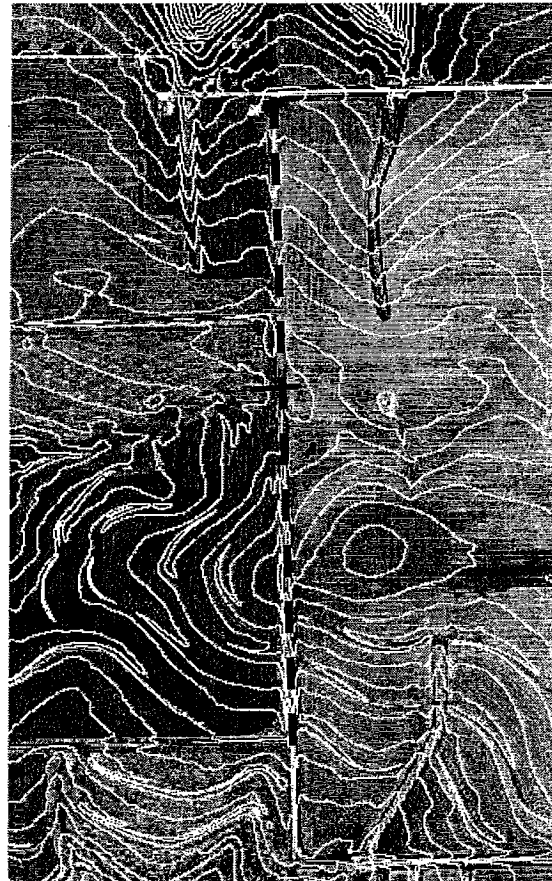
Subtotal: \$ 100,000

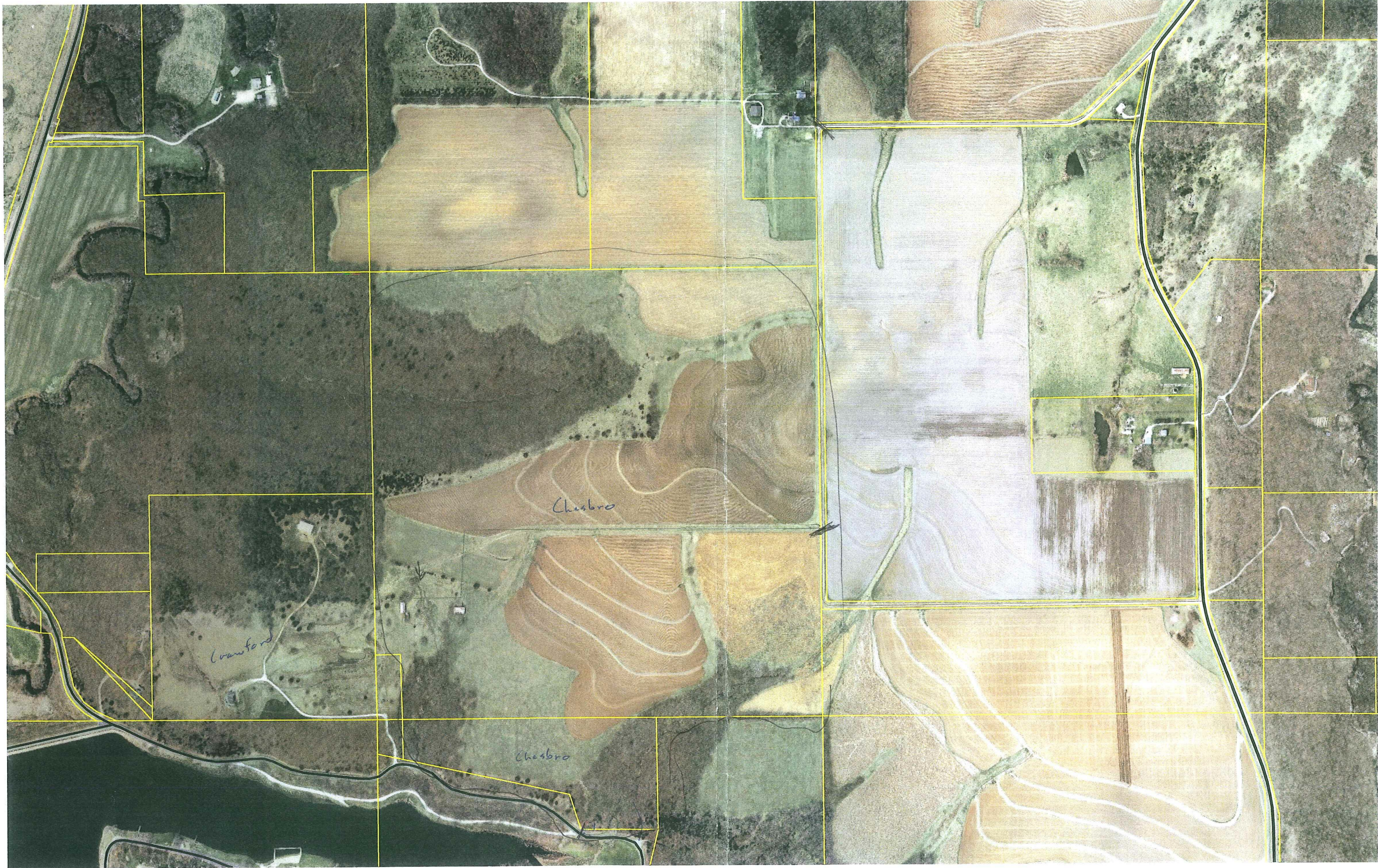
20% Contingency: 20,000

\$ 120,000

Estimated Engineering, Boundary, Legal Descriptions & Surveying Fee \$20,000

Note: Opinion of probable cost does not include inspection fees, interest, or property acquisition.







DOUGLAS COUNTY PUBLIC WORKS

1242 Massachusetts Street
Lawrence, KS 66044-3350
(785) 832-5293 Fax (785) 841-0943
dgcopubw@douglas-county.com
www.douglas-county.com

Keith A. Browning, P.E.
Director of Public Works/County Engineer

MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *KAB*

Date : October 15, 2009

Re : 2009-2010 Snow & Ice Control Manual

Attached for your information is the 2009-2010 Snow & Ice Control Manual that outlines procedures for snow and ice fighting efforts on county-maintained roadways. This year's manual is substantially unchanged from last year's manual.

Two policies may be particularly important as you may hear from property owners on these issues:

- The mailbox repair/replacement policy (page 11) stipulates this department will repair mailboxes damaged by road maintenance equipment or displaced snow and ice from the snowplow. When mailbox installations are repaired the mailbox installation will be reset on a 4"x4" wood post. Rigid or oversized mailbox supports will not be reset or allowed to remain.
- Clearing driveways including the windrow of snow left by snowplows at the edge of the road shall be the property owner's responsibility.

The agenda item is to discuss our winter storm policies and practices, and answer any questions you may have.

Action Required: Receive and discuss the 2009-2010 Snow & Ice Control Manual, and provide direction as appropriate.

**DOUGLAS COUNTY
STAFF REPORT**

**SP-8-38-09: Improvements to Westar's Lawrence Energy Center, 1250 N 1800 Road
October 21, 2009 (REVISED)**

A. SUMMARY

SP-8-38-09: A site plan for Environmental Improvements at Westar's Lawrence Energy Center located at 1250 N 1800 Road. The portion of the property where improvements are proposed is located in Section 14-12-19. Submitted by Dale Larson, Director of General Construction for Westar Energy, Inc., property owner of record.

B. GENERAL INFORMATION

Current Zoning and Land Use:	<p>I-3 (Heavy Industrial) District; main power plant site and Wakarusa Township Fire Station. I-4 (Heavy Industrial) District; eastern fly ash disposal site (east of N. Iowa Street/E 1300 Road extended). A (Agricultural) District; southwestern portion of settling basins. VC (Valley Channel) District; northern portion of settling basins and portions of property north and east of the BNSF railroad tracks.</p>
Surrounding Zoning and Land Use:	<p><i>To the west and southwest:</i> VC, A, and I-3 Districts; rural residential properties. RS-10 (Single-Dwelling Residential) District; two residential parcels annexed into the City as islands.</p> <p><i>To the south and southeast:</i> IG (General Industrial) District; industrial development and vacant parcels within the city limits on either side of Lakeview Road/N 1800 Road and Packer Road. A-1 (Suburban Homes) District; Miller and Wells Acres, County residential subdivisions. GPI (General Public & Institutional) District and RS-7 (Single-Dwelling Residential) District; City pump station and Northfield Addition, a residential subdivision in the City.</p> <p><i>To the far north and far east:</i> VC District; agricultural uses and the Kansas River.</p>
Site Summary:	
Gross Area:	The entire Westar/KPL ownership parcels include 561 acres. The majority of the proposed improvements are on approximately 130 acres of the site.
Legal Description	The legal descriptions of all parcels are shown on the Westar Energy Lawrence Energy Center Property Map. The proposed improvements are primarily located in the southern half of Parcel A, Parcels B & D, and the northern portion of Parcel C [all located in Section 14-12-19].

Attachments to this Report:	
1. Westar Employee Update – 5/20/09	Project Description
2. Vicinity Map	Shows aerial, zoning districts, city limits
3. LEC Property Map	Shows Parcels A – G and legal descriptions
4. FGD Project Map without Contours	Illustrates location of major improvements relative to FW & FP
5. Sheet S3801	Provides close up plan of plant site improvements
6. Sheet S3802	Provides close up plan of parking, staging and landscaping improvements near Lakeview Road/N 1800 Road

B. STAFF REVIEW

Project Summary

The Lawrence Energy Center (LEC) is located on approximately 561 acres on the north side of N 1800 Road/Lakeview Road/N 1800 Road between E 1200 Road/Kasold Drive extended and the BNSF railroad tracks. The property abuts the Lawrence city limits. The proposed improvements include the construction of two fabric filtration systems (sometimes called bag houses), two new fly ash silos, a limestone slurry preparation building (sometimes called a ball mill), a warehouse/office building and associated parking lots/construction staging areas to support the project. The construction project is anticipated to be ongoing for approximately three years, potentially create 350 jobs at its peak, and cost an estimated ~~\$340,000~~ \$340,000,000.

One of the byproducts from the energy production is fly ash. The efficiencies of the new fabric filtration system will allow for the recovery of fly ash which can be sold and utilized in construction projects rather than the current practice of landfill disposal. The applicant has indicated that the majority of this product will leave the site by rail.

The proposed improvements are more specifically described as:

Facility	Square Feet	Building Height
Unit 5, Fabric Filter	11,154	119'
Unit 5, Pump Building	3000	45'
Unit 5, Fly Ash Silo	1105	84'
Limestone Slurry Prep Building	5715	96'
Unit 4, Fabric Filter	4703	88'
Units 3-4, Fly Ash Silo	4703	64'
Office/Warehouse	7700	26'

The majority of the plant site sits at an elevation considerably lower than the grade at Lakeview Road/N 1800 Road [840' – 910']. The locations for most of the structures noted above are more than a half mile north of Lakeview Road/N 1800 Road. Therefore, the majority of these improvements will not be visible to the traveling public from the road.

In addition to these structures, multiple gravel parking lots, staging areas and roads will be constructed to accommodate the construction crews and equipment. The existing parking lot, which is located more than 200 feet north of Lakeview Road/N 1800 Road, provides approximately 200 spaces. The new lots, which will be north of the existing lot and east of the existing construction entrance (labeled Craft Entrance on the plans), will provide approximately 135 more parking spaces. New 35' high parking lot lights, with photocell controllers, will be installed in the new parking areas. The improvements will include the planting of 6'-8' cedar trees around the southern perimeter of the existing and proposed parking areas to screen the view from the road. The applicant has also agreed to provide landscape screening around the south and east ends of the existing substation that is located between the two entry drives. The applicant will work with staff to identify a mix of shrubs that can provide visual interest without interference with the numerous overhead power lines in the vicinity.

Non-Conforming Use

The power plant has been in this location since 1937 prior to the adoption of zoning regulations in Douglas County. The site is composed of eight different property parcels which are identified on the LEC Property Map. Conditional Use Permits were approved in 1991 and 1997 for specific expansions for fly ash disposal sites on the property (on portions of Parcels C & E). While the majority of the property where the plant is located is zoned industrially, the plant operation is considered a non-conforming use because it predates the zoning regulations and is not governed by a Conditional Use Permit for the power plant itself.

Section 20-2(b) of the Douglas County Zoning Regulations states that *'No non-conforming building, structure, or use shall be changed, extended, enlarged or structurally altered unless: (1) Such change is required by law or order.'* Westar has entered into a Regional Haze Agreement with KDHE. This agreement establishes Westar's responsibility to achieve regulatory compliance and reductions in air emissions. The agreement also establishes that the Lawrence Energy Center, Unit 5 is a plant/unit that KDHE has identified as subject to Best Available Retrofit Technology [BART] requirements. Therefore, the Planning Director has determined that the proposed improvements meet the requirements of Section 20-2(b) and can be considered for approval by the Board of County Commissioners.

Regulatory Floodplain

The majority of the property where the power plant site and settling basins are located is included in the regulatory floodway or regulatory floodplain *as mapped* on the FEMA Flood Insurance Rate Map 20045C0030C. The applicant's engineer has submitted an application to FEMA for a Letter of Map Amendment (LOMA) to revise the official map. The application includes survey data that indicates that the lowest elevation of the plant site is 836.8 MSL and the base flood elevation is 835.6 MSL.

The Unit 5 Fabric Filter, Unit 5 Pump Building, Unit 5 Ash Silo and the Unit 3-4 Ash Silo are all located in the area currently mapped as regulatory floodway. Until FEMA issues a LOMA or LOMC (Letter of Map Change), no building permits can be issued for improvements that are located in the mapped floodway.

The proposed office/warehouse building and the limestone slurry prep building are located outside of the floodway, but within the regulatory floodplain. The Unit 4 Fabric Filter appears to be located outside of the regulatory floodplain, however a portion of the parcel it is to be located on is within the mapped floodplain area. Building permits for these structures will be subject to approval of a Local Floodplain Development Permit in accordance with Article 28 of the Douglas County Zoning Regulations.

Comprehensive Plan

The subject property, as noted above, is adjacent to the northwest city limits. It is located in Service Area 1 of the Lawrence Urban Growth Area as depicted on Map 3-2 in *Horizon 2020, the Comprehensive Plan for Lawrence and Unincorporated Douglas County*.

In the Growth Management Chapter, the Plan identifies the following Annexation Policies: (1) Lawrence will actively seek voluntary annexation of land within the UGA as development is proposed; (2) Annexation shall be required prior to development in Service Area 1 of the Lawrence Urban Growth Area; and (3) Non-contiguous parcels of land may be developed subject to the policies of the Comprehensive Plan and upon agreement by the owner to annex at the time the parcel of land becomes contiguous to the city.

This property is located on a boundary line road and currently utilizes City water. The power plant has its own internal sewage system. Wakarusa Township has a fire station located on the south portion of the Westar property immediately west of the main construction entrance. During the three year construction period, there will be an increase in traffic on nearby city and county roads by construction workers. There will also be increased truck traffic associated with the construction activity. In light of the annexation policies adopted in the Comprehensive Plan, it is appropriate to begin discussions with the applicant regarding the future annexation of the property into the City of Lawrence.

D. Findings

Per Section 19A-5, staff shall first find that the following conditions have been met:

(a) That the proposed use is a permitted use in the district in which the property is located;

The subject property was developed as a power plant prior to the adoption of the Douglas County Zoning Regulations and is considered a legal, non-conforming use. The proposed improvements to achieve regulatory compliance and reduce air emissions have been determined to be in conformance with Section 20-2(b) regarding changes to non-conforming uses.

(b) That the proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses;

The new buildings have been located in relation to existing plant site requirements. Due to the substantial change in grade from Lakeview Road/N 1800 Road into the power plant site, the new building improvements will have minimal visibility from the property boundary.

The Zoning Regulations require industrial uses provide one parking space for each two employees. Approximately 335 parking spaces will be provided for construction workers near the entrance drive, in addition to the existing parking already located near the plant buildings. New, paved parking spaces will be constructed adjacent to the new office/warehouse which will house the consulting engineers and/or inspectors that will be on site during the construction period.

The new parking lots are proposed farther from the road than the existing parking lot and new landscape materials will be provided to screen the parked cars from the street view. New parking light lighting will be limited to 35' high poles and 250 watt fixtures. These new lights will be more than 200 feet from the south property boundary. In addition to these proposed improvements, the applicant has agreed to work with staff to determine appropriate screening shrubs that can be planted along the south and east sides of the existing substation located between the existing two entrance drives. While 6' – 8' shrubs will not completely shield all of the existing transformers located here, the landscaping should provide a more interesting view from the boundary road.

(c) That the vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well;

The site plan does not propose any additional driveways onto Lakeview Road/N 1800 Road. All new parking lots will be accessed from the western entrance drive (labeled Craft Entrance on Sheet S3802). New internal roads will be constructed to provide adequate staging areas for the various construction sites. The applicant has estimated that vehicular traffic related to the construction activity may increase between 50 and 200 trips a day during the three year period. Additional truck trips due to the fly ash recovered may range from 2 to 11 trucks per day depending upon how much fly ash leaves the site by rail. Lakeview Road/N 1800 Road is identified as a principal arterial street. It is currently paved, but does not include sidewalks.

(d) That the site plan provides for the safe movement of pedestrians within the site;

Due to the nature of the business, individual pedestrian walkways are not provided within the site; however, the gravel drives provide a surfaced path that connects the parking lot areas. The proposed improvements include a marked pedestrian crossing area between the north end of the new parking lot east of the entrance and the larger parking areas west of the drive. The site plan includes a bus parking area north of the new parking lot to provide a place to load and unload shuttle busses that will transport construction workers to the various parts of the power plant site.

- (e) **That there is a sufficient mixture of grass, trees, and shrubs within the interior and perimeter (including public right-of-way) of site so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public. Any part of the site plan area not used for buildings, structures, parking, or access ways shall be landscaped with a mixture of grass, trees and shrubs;**

The construction sites are set back nearly a half mile from Lakeview Road/N 1800 Road and, due to the elevation change, are not visible. The plant site is also approximately a half mile from the west boundary road. Adjacent settling ponds are bermed along E 1200 Road. The new landscape screening around the parking areas, together with new landscaping around the existing substation, will enhance the roadside view of this property from the south.

- (f) **That all outdoor trash storage areas are screened;**

No outdoor trash storage areas near Lakeview Road/N 1800 Road are proposed. Due to the industrial nature of the power plant site, refuse and disposal sites are located as needed.

E. CONCLUSION

The proposed site improvements have been determined to meet the exemption requirements for improvements to non-conforming uses as established in the Zoning Regulations. The improvements will significantly enhance the power plant and continue to improve air emissions in the area. The site plan represents a sizeable investment which the applicant has indicated will result in positive economic impacts for the local region. These impacts will likely result from increased material purchases, meals and lodging in the area, as well as growth in the tax base. The improvements also represent a significant monetary investment in the plant and can be considered 'development'. It is appropriate to begin discussions with Westar regarding future annexation into the City of Lawrence.

RECOMMENDATION: Staff recommends approval of SP-8-38-09 for environmental improvements at Westar, 1250 N 1800 Road subject to the following conditions:

1. Revision of Sheet S3802 to include landscape screening materials, including shrubs at least 6' – 8' in height, along the south and east sides of the existing substation per Staff approval;
2. Execution of an Agreement not to Protest Formation of a Future Benefit District for street and sidewalk improvements for Lakeview Road/N 1800 Road and E 1200 Road/Kasold Drive;
3. Approval by the Douglas County Zoning & Codes Administrator of a Local Floodplain Development Permit prior to issuance of any building permits on the property; and
4. Approval by FEMA of a LOMA (or LOMC) or approval by the County BZA of a variance from the standards of Article 28 prior to issuance of a building permit for any structures located in the regulatory floodway as currently mapped on FIRM Panel 20045C0030C.



Post or Distribute Immediately

Employee Update

May 20, 2009

ENVIRONMENTAL IMPROVEMENTS AT WESTAR ENERGY'S LAWRENCE ENERGY CENTER TO FURTHER REDUCE EMISSIONS

Improvements will enhance existing emission reduction equipment.

Westar Energy today announced it is constructing two new fabric filtration systems and upgrading other air emission control equipment at its Lawrence Energy Center (LEC), a coal-fired power plant located near Lawrence, Kan. Westar is installing fabric filtration systems on generating units 4 and 5, plus rebuilding the sulfur dioxide (SO₂) scrubber systems on those units. Westar is also enhancing the burner systems on units 3, 4 and 5. These upgrades will help further reduce emissions of particulate matter, SO₂, nitrogen oxide (NO_x) and mercury. In addition, Westar will rebuild the existing electrostatic precipitator on unit 3.

A fabric filtration system, also known as a baghouse, is an enclosure with thousands of suspended fabric filter bags that collect particulates as the flue gas runs up through it. Electrostatic precipitators use an electrostatic charge to remove particulates from flue gas. Scrubber systems use a water and limestone mixture to remove most of the SO₂ from flue gas. Enhancements to the burner systems improve combustion efficiency to lower NO_x from the flue gas.

"Upgrades at the Lawrence Energy Center are just one more step in our effort to make all of our plants even cleaner while allowing us to continue to meet our customers' energy needs," said Doug Sterbenz, executive vice president and chief operating officer.

Engineering is under way and construction on the modifications should begin in 2010 and the systems are expected to be operational by no later than 2013. At its peak, construction is expected to create 350 jobs. The projects are estimated to cost \$370 - \$380 million. These investments are eligible to be recovered in our retail rates through our Environmental Cost Recovery Rider.

While traffic around the plant will increase during construction, Westar believes the impact to the local region will be positive. In addition to job creation, local commerce will improve due to material purchases, meals and lodging. In the long term, the county tax base will grow.

Post or Distribute Immediately

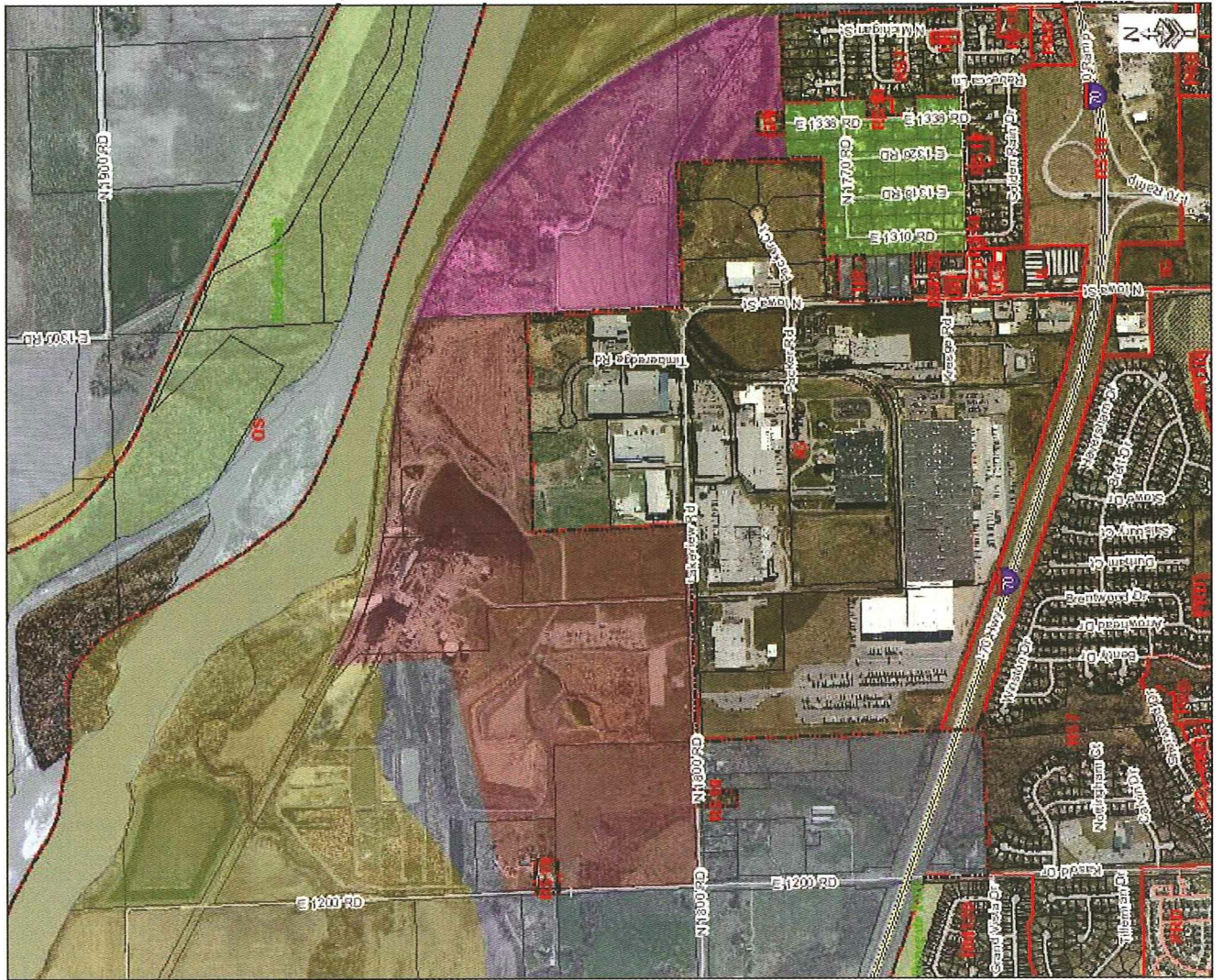
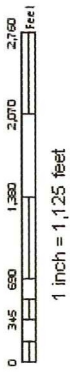
Lawrence Energy Center has a long history of environmental stewardship. The first SO₂ scrubber in the United States was installed on Lawrence Unit 4 and it became operational in 1968.

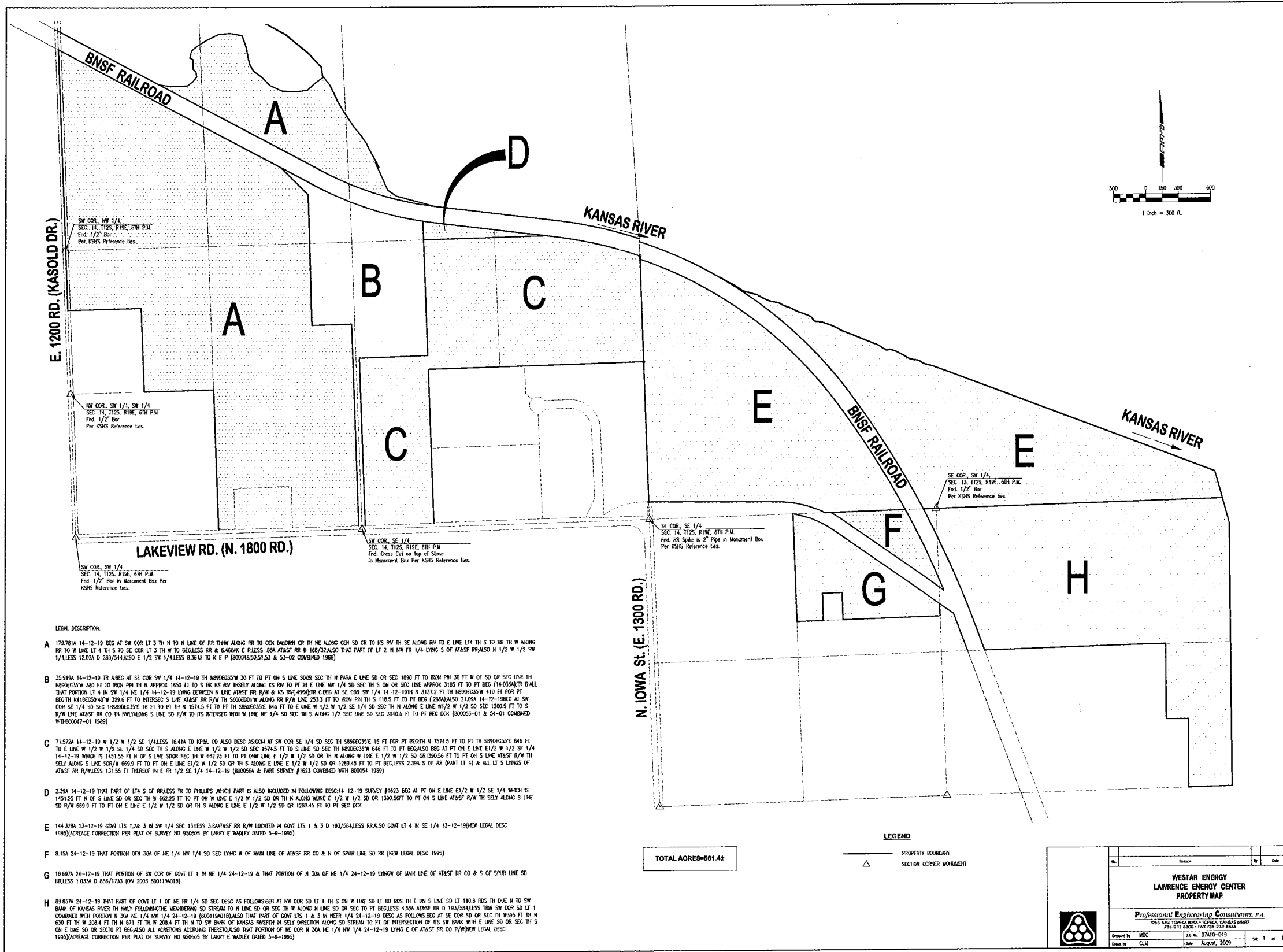
The first SO₂ scrubber in the United States to be installed as original equipment on a fossil fuel generating unit was on Lawrence Unit 5 in 1971.

And in 1987, the first low nitrogen oxide (NO_x) burner in the world was installed as a retro-fit on Lawrence Unit 5. This technology lowered NO_x emissions through more efficient mixing of fuel and air.

Attached: Preliminary 3D model of Lawrence Unit 5 fabric filter layout

Forward-looking statements may include words like "believe," "anticipate," "target," "expect," "pro forma," "estimate," "intend," "guidance" or words of similar meaning. Forward-looking statements describe future plans, objectives, expectations or goals. Although Westar Energy believes that its expectations are based on reasonable assumptions, all forward-looking statements involve risk and uncertainty. Therefore, actual results could vary materially from what we expect. Please review our Form 10-K for the period ended Dec. 31, 2008 and our Form 10-Q for the period ended Mar. 31, 2009 for important risk factors that could cause results to differ materially from those in any such forward-looking statements. Any forward-looking statement speaks only as of the date such statement was made, and the company does not undertake any obligation to update any forward-looking statement to reflect events or circumstances after the date on which such statement was made except as required by applicable laws or regulations.





SW COR. NW 1/4,
SEC. 14, T12S, R19E, 6TH P.M.
Fnd. 1/2" Bar
Per KSHS Reference ties.

NW COR. SW 1/4, SW 1/4,
SEC. 14, T12S, R19E, 6TH P.M.
Fnd. 1/2" Bar
Per KSHS Reference ties.

SW COR. SW 1/4,
SEC. 14, T12S, R19E, 6TH P.M.
Fnd. 1/2" Bar in Monument Box Per
KSHS Reference ties.

SW COR. SE 1/4,
SEC. 14, T12S, R19E, 6TH P.M.
Fnd. Dress Cut on Top of Stone
in Monument. See For KSHS Reference ties.

SE COR. SE 1/4,
SEC. 14, T12S, R19E, 6TH P.M.
Fnd. RR Spike in 2" Pipe in Monument Box
Per KSHS Reference ties.

SE COR. SW 1/4,
SEC. 13, T12S, R19E, 6TH P.M.
Fnd. 1/2" Bar
Per KSHS Reference ties.

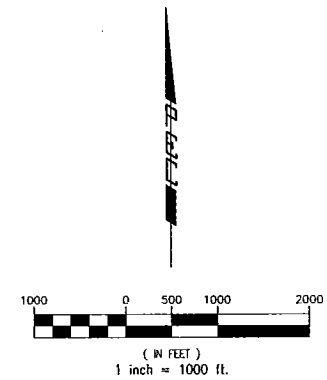
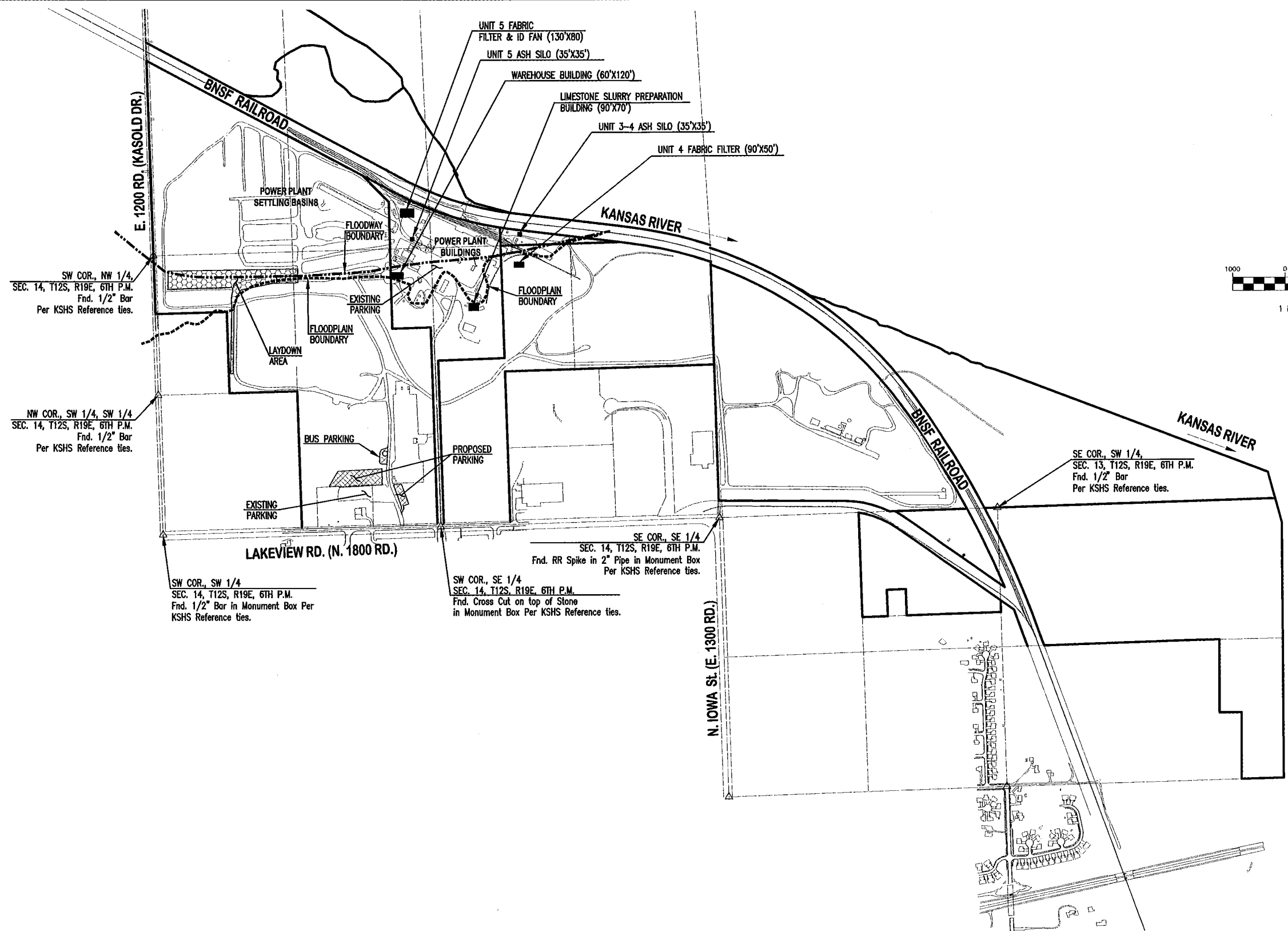
LEGAL DESCRIPTION:

- A 178.781A 14-12-19 BEG AT SW COR LT 3 TH N TO N LINE OF RR THAM ALONG RR TO CEN BALDWIN CR TH NE ALONG CEN SD CR TO KS RY TH SE ALONG RR TO E LINE L14 TH S TO RR TH W ALONG RR TO W LINE L14 TH S TO SE COR LT 3 TH W TO BEGLESS RR & 6-6600K E BEGLESS RR ATASF RR D 180/23 ALSO THAT PART OF LT 2 IN NW 1/4 LYING S OF ATASF RR ALSO N 1/2 W 1/2 SW 1/4 LESS 12.02A D 289/544 ALSO E 1/2 SW 1/4 LESS 0.361A TO K E P (800048,50,51,52 & 53-02 COMBINED 1988)
- B 35.919A 14-12-19 TR A BEG AT SE COR SW 1/4 14-12-19 TH N80R0335W 30 FT TO PT ON S LINE S209 SEC TH N PARA E LINE SD CR SEC 1890 FT TO BRN PM JO FT W OF SD CR SEC LINE TH N80R0335W 380 FT TO BRN PM TH N APPROX 1650 FT TO S BK KS RY THESEY ALONG: KS RY TO PT IN E LINE NW 1/4 SD SEC TH S ON CR SEC LINE APPROX 3185 FT TO PT BEG (14.035A) RR BALL THAT PORTION LT 4 IN SW 1/4 NE 1/4 14-12-19 LYING BETWEEN N LINE ATASF RR R/W & KS RR (499A) RR C BEG AT SE COR SW 1/4 14-12-19 TH N80R0335W 410 FT FOR PT BEG TH N80R0335W 329.6 FT TO INTERSEC S LINE ATASF RR R/W TH S80R0335W ALONG RR R/W LINE 253.3 FT TO BRN PM TH S 118.5 FT TO PT BEG (289A) ALSO 21.08A 14-12-19 BEG AT SW COR SE 1/4 SD SEC TH S80R0335W 16 FT TO PT TH N 1574.5 FT TO PT TH S80R0335W 646 FT TO E LINE W 1/2 W 1/2 SE 1/4 SD SEC TH N ALONG E LINE W 1/2 W 1/2 SD SEC 1669.5 FT TO S R/W LINE ATASF RR CO TH N W ALONG S LINE SD R/W TO ITS INTERSEC WITH W LINE NE 1/4 SD SEC TH S ALONG 1/2 SEC LINE SD SEC 3040.5 FT TO PT BEG DCK (800053-01 & 54-01 COMBINED WITH 800047-01 1988)
- C 71.572A 14-12-19 W 1/2 W 1/2 SE 1/4 LESS 16.41A TO KRAL CO ALSO DESC AS COM AT SW COR SE 1/4 SD SEC TH S80R0335W 16 FT FOR PT BEG TH N 1574.5 FT TO PT TH S80R0335W 646 FT TO E LINE W 1/2 W 1/2 SE 1/4 SD SEC TH S ALONG E LINE W 1/2 W 1/2 SD SEC 1574.5 FT TO S LINE SD SEC TH N80R0335W 646 FT TO PT BEG ALSO BEG AT PT ON E LINE E 1/2 W 1/2 SE 1/4 14-12-19 WHICH IS 1451.55 FT N OF S LINE SD CR SEC TH W 662.25 FT TO PT ON W LINE E 1/2 W 1/2 SD CR TH N ALONG W LINE E 1/2 W 1/2 SD CR 1300.58 FT TO PT ON S LINE ATASF RR TH SELY ALONG S LINE SD R/W 669.9 FT TO PT ON E LINE E 1/2 W 1/2 SD CR TH S ALONG E LINE E 1/2 W 1/2 SD CR 1269.45 FT TO PT BEGLESS 2.39A S OF RR (PART LT 4) & ALL LT 5 LYINGS OF ATASF RR R/W LESS 131.55 FT THEREOF IN E RR 1/2 SE 1/4 14-12-19 (800056A & PART SURVEY #1623 COMBINED WITH 800054 1989)
- D 2.39A 14-12-19 THAT PART OF LT 4 S OF RR LESS TH TO PHILLIPS WHICH PART IS ALSO INCLUDED IN FOLLOWING DESC: 14-12-19 SURVEY #1623 BEG AT PT ON E LINE E 1/2 W 1/2 SE 1/4 WHICH IS 1451.55 FT N OF S LINE SD CR SEC TH W 662.25 FT TO PT ON W LINE E 1/2 W 1/2 SD CR TH N ALONG W LINE E 1/2 W 1/2 SD CR 1300.58 FT TO PT ON S LINE ATASF RR TH SELY ALONG S LINE SD R/W 669.9 FT TO PT ON E LINE E 1/2 W 1/2 SD CR TH S ALONG E LINE E 1/2 W 1/2 SD CR 1269.45 FT TO PT BEG DCK
- E 144.328A 13-12-19 GOVT LITS 1,2,3 IN SW 1/4 SEC 13 LESS 3 BATHING RR R/W LOCATED IN GOVT LITS 1 & 3 D 193/584 LESS BRALSO GOVT LT 4 IN SE 1/4 13-12-19 (NEW LEGAL DESC 1995) (ACREAGE CORRECTION PER PLAT OF SURVEY NO 950955 BY LARRY E WADLEY DATED 5-9-1995)
- F 8.15A 24-12-19 THAT PORTION OFN 30A OF NE 1/4 NW 1/4 SD SEC LYING W OF MAIN LINE OF ATASF RR CO & N OF SPUR LINE SD CR (NEW LEGAL DESC 1995)
- G 16.697A 24-12-19 THAT PORTION OF SW COR OF GOVT LT 1 IN NE 1/4 24-12-19 & THAT PORTION OF N 30A OF NE 1/4 24-12-19 LYING W OF MAIN LINE OF ATASF RR CO & S OF SPUR LINE SD CR LESS 1.035A D 656/1133 (ON 2003 8001194018)
- H 89.657A 24-12-19 THAT PART OF GOVT LT 1 OF NE RR 1/4 SD SEC BEG AS FOLLOWS: BEG AT NW COR SD LT 1 TH S ON W LINE SD LT 80.805 TH E ON S LINE SD LT 110.8 RECS TH DUE W TO SW BANK OF KANSAS RIVER TH UNILY FOLLOWING THE MEANDERING SD STREAM TO N LINE SD CR SEC TH W ALONG N LINE SD CR SEC TO PT BEGLESS 4.55A ATASF RR D 193/584 LESS TRSN SW COR SD LT 1 COMBINED WITH PORTION N 30A NE 1/4 NW 1/4 24-12-19 (8001194018) ALSO THAT PART OF GOVT LITS 1 & 3 IN NE RR 1/4 24-12-19 BEG AS FOLLOWS: BEG AT SE COR SD CR SEC TH W395 FT TH N 630 FT TH W 208.4 FT TH N 871 FT TH W 208.4 FT TH N TO SW BANK OF KANSAS RIVER TH IN SELY DIRECTION ALONG SD STREAM TO PT OF INTERSECTION OF ITS SW BANK WITH E LINE SD CR SEC TH S ON E LINE SD CR SEC TO PT BEGLESS ALL ACCORDING TO THIS ALSO THAT PORTION OF NE COR N 30A NE 1/4 NW 1/4 24-12-19 LYING E OF ATASF RR CO R/W (NEW LEGAL DESC 1995) (ACREAGE CORRECTION PER PLAT OF SURVEY NO 950955 BY LARRY E WADLEY DATED 5-9-1995)

TOTAL ACRE=601.48

LEGEND
 ——— PROPERTY BOUNDARY
 ▲ SECTION CORNER MONUMENT

<p>WESTAR ENERGY LAWRENCE ENERGY CENTER PROPERTY MAP</p> <p>Professional Engineering Consultants, P.A. 1905 S.W. 10TH AVE. SUITE 1000, LAWRENCE, KS 66044 785-843-8800 • FAX 785-843-8833</p>	
<p>Designed by: MOC Drawn by: CLM</p>	<p>Job No.: 07A10-019 Date: August, 2009</p>
<p>Scale: 1" = 300'</p>	



SW COR., NW 1/4,
SEC. 14, T12S, R19E, 6TH P.M.
Fnd. 1/2" Bar
Per KSHS Reference ties.

NW COR., SW 1/4, SW 1/4
SEC. 14, T12S, R19E, 6TH P.M.
Fnd. 1/2" Bar
Per KSHS Reference ties.

SW COR., SW 1/4
SEC. 14, T12S, R19E, 6TH P.M.
Fnd. 1/2" Bar in Monument Box Per
KSHS Reference ties.

SW COR., SE 1/4
SEC. 14, T12S, R19E, 6TH P.M.
Fnd. Cross Out on top of Stone
in Monument Box Per KSHS Reference ties.

SE COR., SE 1/4
SEC. 14, T12S, R19E, 6TH P.M.
Fnd. RR Spike in 2" Pipe in Monument Box
Per KSHS Reference ties.

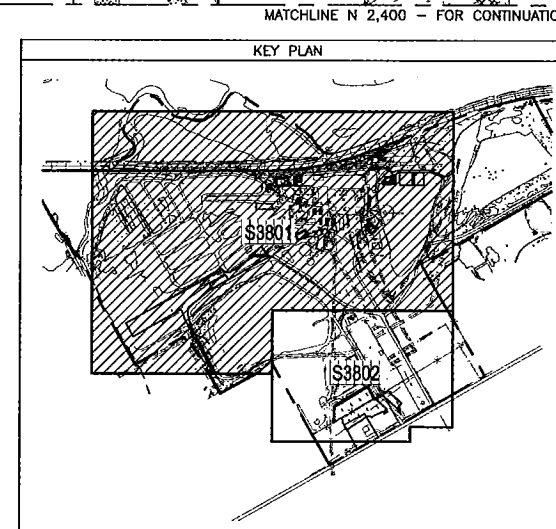
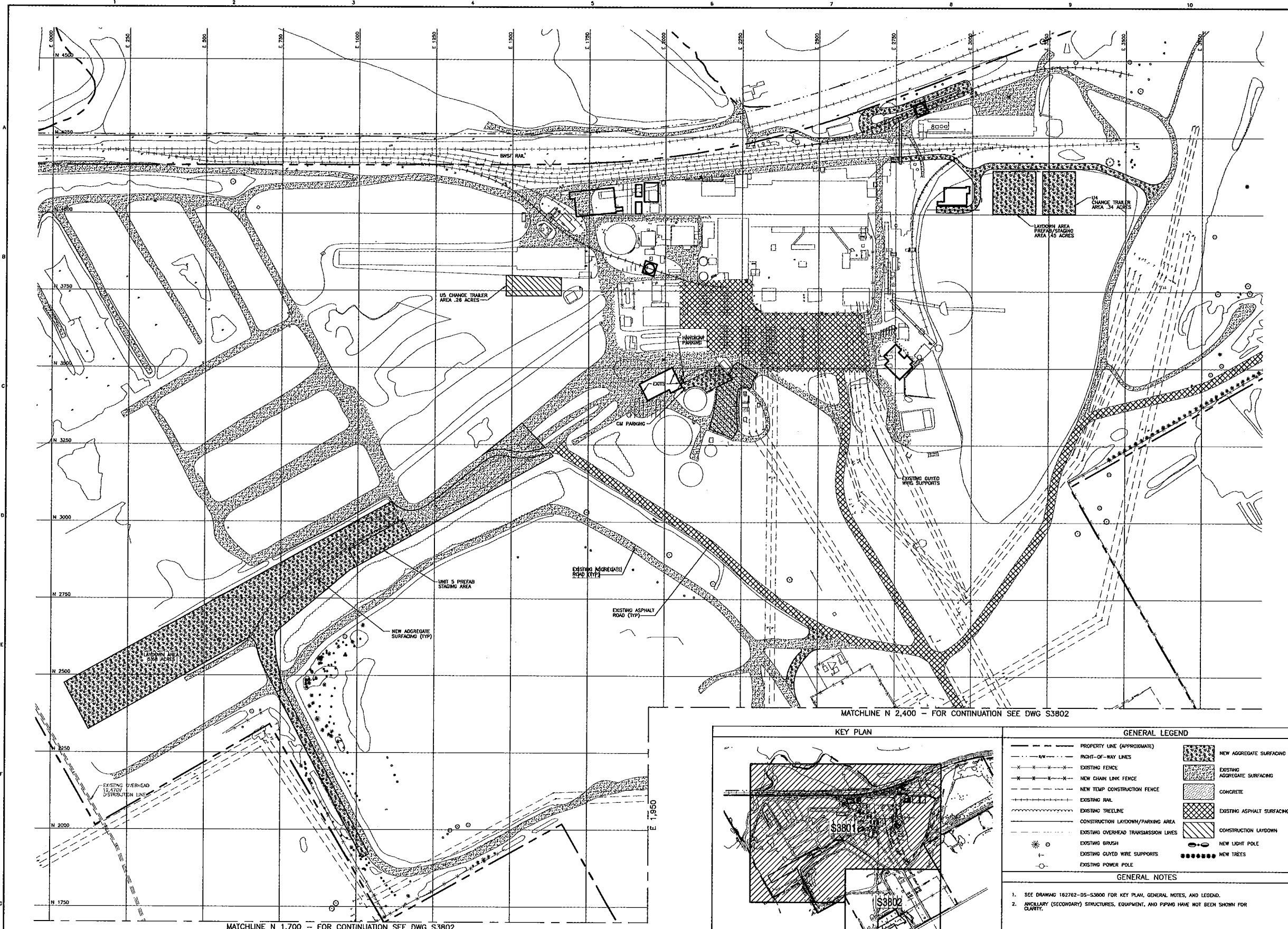
SE COR., SW 1/4,
SEC. 13, T12S, R19E, 6TH P.M.
Fnd. 1/2" Bar
Per KSHS Reference ties.

LEGEND

- PROPERTY BOUNDARY
- EXISTING AND LANDFILL EXCAVATION CONTOURS
- SECTION CORNER MONUMENT
- PROPOSED PARKING AREA
- PROPOSED LAYDOWN AREA



No.	Revision	By	Date
WESTAR ENERGY LAWRENCE ENERGY CENTER F.G.D. PROJECT MAP WITHOUT CONTOURS			
Professional Engineering Consultants, P.A. <small>1263 SW TOPEKA BLVD. • TOPEKA, KANSAS 66612 785-233-8300 • FAX 785-233-8855</small>			
Designed by	MDC	Job No.	07A10-019
Drawn by	CLM	Date	October 2009
			101



GENERAL LEGEND			
--- (dashed line)	PROPERTY LINE (APPROXIMATE)	[Stippled pattern]	NEW AGGREGATE SURFACING
--- (dashed line)	RIGHT-OF-WAY LINES	[Cross-hatched pattern]	EXISTING AGGREGATE SURFACING
--- (dashed line)	EXISTING FENCE	[Dotted pattern]	CONCRETE
--- (dashed line)	NEW CHAIN LINK FENCE	[Cross-hatched pattern]	EXISTING ASPHALT SURFACING
--- (dashed line)	NEW TEMP CONSTRUCTION FENCE	[Diagonal hatched pattern]	CONSTRUCTION LADOWN
--- (dashed line)	EXISTING RAIL	[Diagonal hatched pattern]	NEW LIGHT POLE
--- (dashed line)	EXISTING TREELINE	[Diagonal hatched pattern]	NEW TREES
--- (dashed line)	CONSTRUCTION LADOWN/PARKING AREA	[Diagonal hatched pattern]	
--- (dashed line)	EXISTING OVERHEAD TRANSMISSION LINES		
--- (dashed line)	EXISTING BRUSH		
--- (dashed line)	EXISTING GLUED WIRE SUPPORTS		
--- (dashed line)	EXISTING POWER POLE		

- GENERAL NOTES**
- SEE DRAWING 162762-DS-S3800 FOR KEY PLAN, GENERAL NOTES, AND LEGEND.
 - ANCILLARY (SECONDARY) STRUCTURES, EQUIPMENT, AND PPNG HAVE NOT BEEN SHOWN FOR CLARITY.

FOR PERMITTING PURPOSES ONLY

THE DISTRIBUTION AND USE OF THE NATIVE FILE FORMAT OF THIS DRAWING OUTSIDE OF BLACK & VEATCH IS UNCONTROLLED AND SHALL BE USED FOR REFERENCE PURPOSES ONLY.

2024/05/09 15:30:00 18.1x (LWS Tech) 01/21/09 15:30:00

NO.	DATE	ISSUED FOR PERMITTING	REVISIONS AND RECORD OF ISSUE	BY	CHKD
0	21/04/09	ISSUED FOR PERMITTING			



I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY CLOSE SUPERVISION AND THAT I AM A QUALIFIED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF KANSAS.

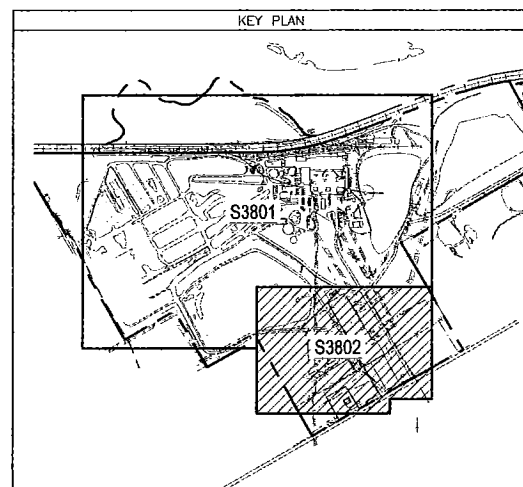
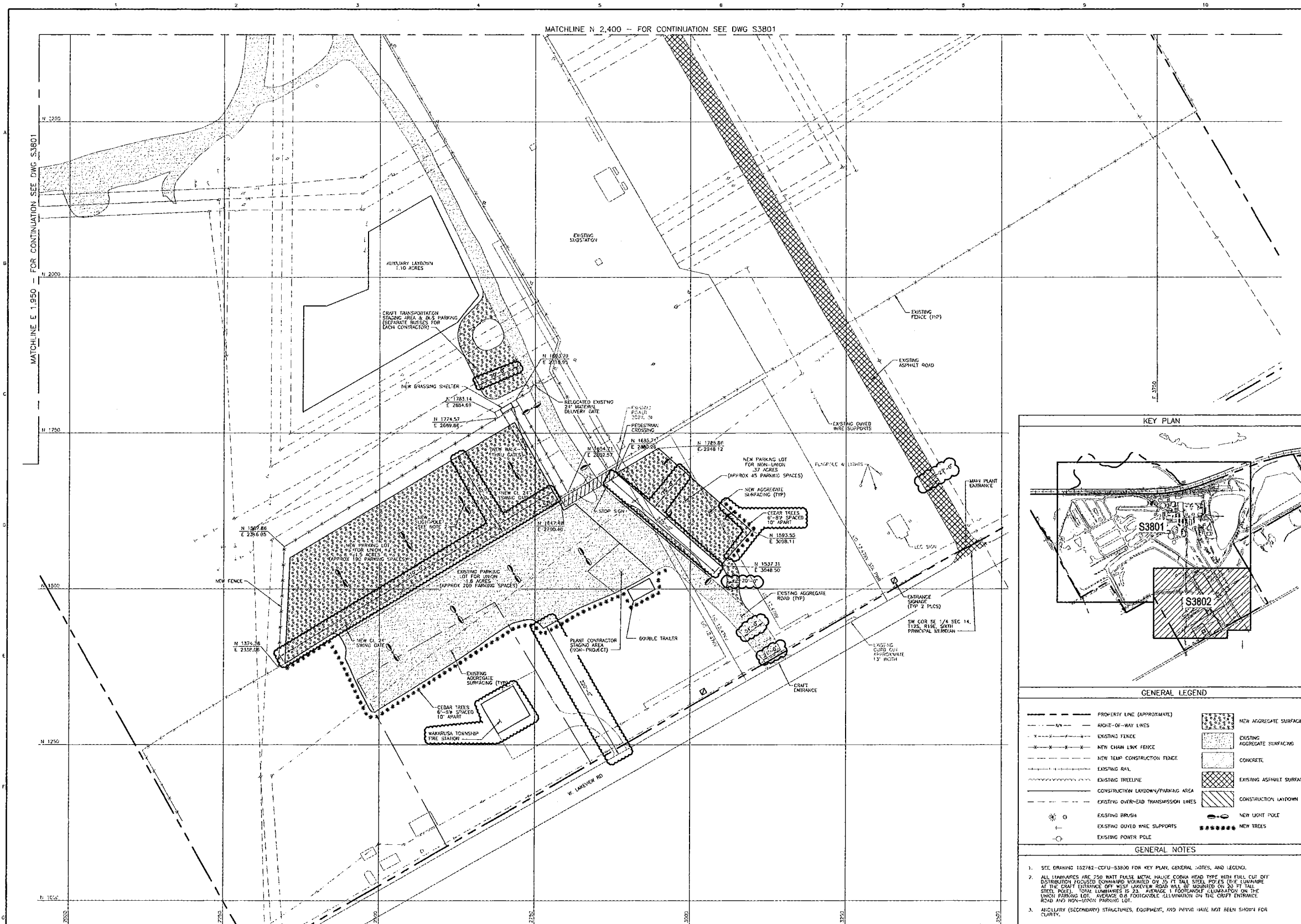
DATE: 21/04/09 REG. NO.: 8172

BLACK & VEATCH CORPORATION

ENGINEER: BVI DRAWN: FAR CHECKED: GAC

WESTAR ENERGY, INC.
LAWRENCE ENERGY CENTER AQCS PROJECT

PROJECT: 162762-DS-S3801
DRAWING NUMBER: 0
CONSTRUCTION FACILITIES - SITE
PLAN - AREA 1



GENERAL LEGEND

--- (dashed line)	PROPERTY LINE (APPROXIMATE)	[Stippled pattern]	NEW AGGREGATE SURFACING
--- (dashed line)	RIGHT-OF-WAY LINES	[Dotted pattern]	EXISTING AGGREGATE SURFACING
--- (dashed line)	EXISTING FENCE	[Cross-hatched pattern]	CONCRETE
--- (dashed line)	NEW CHAIN LINK FENCE	[Diagonal hatched pattern]	EXISTING ASPHALT SURFACING
--- (dashed line)	NEW TEMP CONSTRUCTION FENCE	[Diagonal hatched pattern]	CONSTRUCTION LAYDOWN
--- (dashed line)	EXISTING RAIL	[Stippled pattern]	NEW LIGHT POLE
--- (dashed line)	EXISTING TREELINE	[Dotted pattern]	NEW TREES
--- (dashed line)	CONSTRUCTION LAYDOWN/PARKING AREA	[Stippled pattern]	
--- (dashed line)	EXISTING OVER-HEAD TRANSMISSION LINES	[Stippled pattern]	
○ (circle with dot)	EXISTING BRUSH		
○ (circle with cross)	EXISTING GUYED WIRE SUPPORTS		
○ (circle with dot)	EXISTING POWER POLE		

- GENERAL NOTES**
- SEE DRAWING 162762-CFU-S3800 FOR KEY PLAN, GENERAL NOTES, AND LEGEND.
 - ALL LUMINAIRES ARE 250 WATT FALSA METAL HALIDE CORBA HEAD TYPE WITH FULL CUT OFF DISTRIBUTION FOCUSED DOWNWARD MOUNTED ON 15 FT TALL STEEL POLES. THE LUMINAIRE AT THE POLE ENTRANCE OFF WEST LAWRENCE ROAD WILL BE MOUNTED ON 20 FT TALL STEEL POLE. TOTAL LUMINAIRES IS 23. AVERAGE 1 FOOTCANDLE ILLUMINATION ON THE UNION PARKING LOT. AVERAGE 0.6 FOOTCANDLE ILLUMINATION ON THE CRAFT ENTRANCE ROAD AND NON-UNION PARKING LOT.
 - AUXILIARY (SECONDARY) STRUCTURES, EQUIPMENT, AND PAVING HAVE NOT BEEN SHOWN FOR CLARITY.

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WESTAR ENERGY, INC.
LAWRENCE ENERGY CENTER AOCs PROJECT

BLACK & VEATCH CORPORATION

162762-DS-S3802

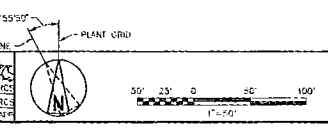
CONSTRUCTION FACILITIES - SITE
PLAN - AREA 2

DATE: 2/23/09, FIG. NO.: 6133

SCALE: 1" = 100'

DATE: 2/23/09

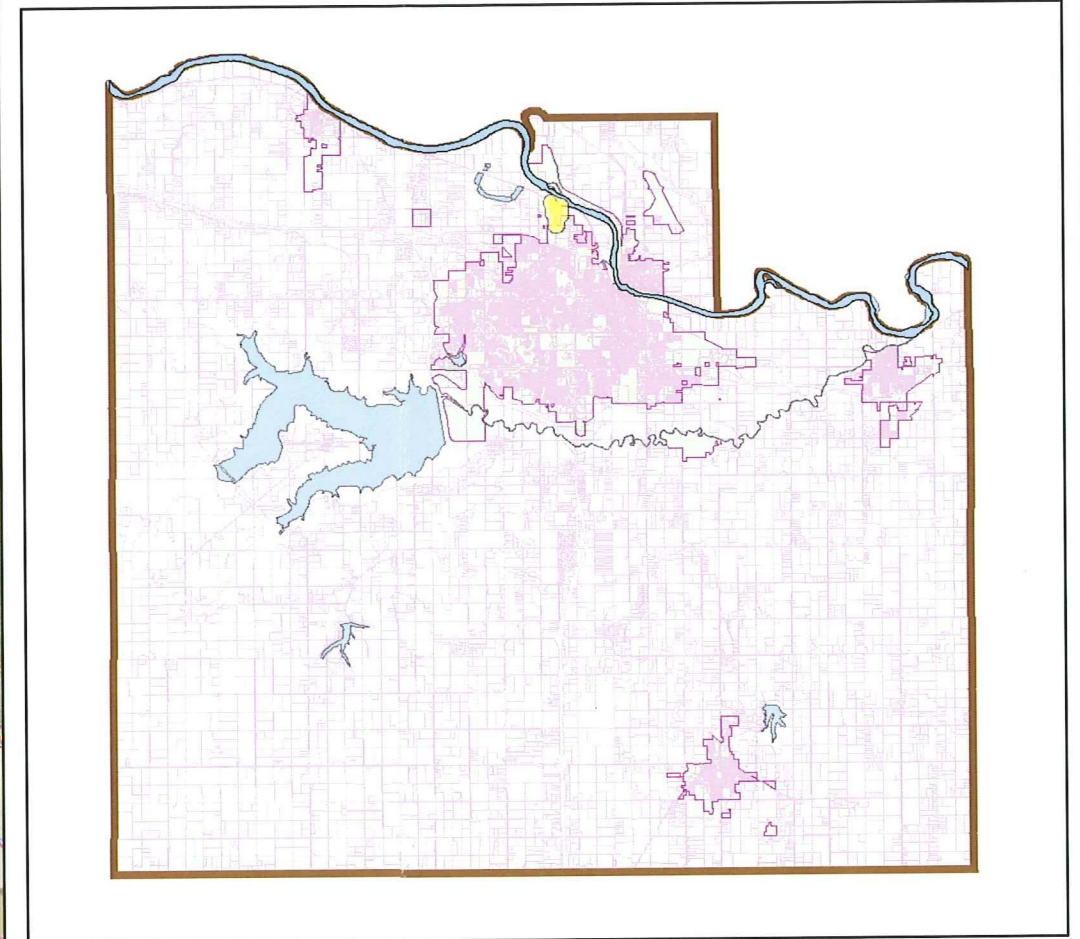
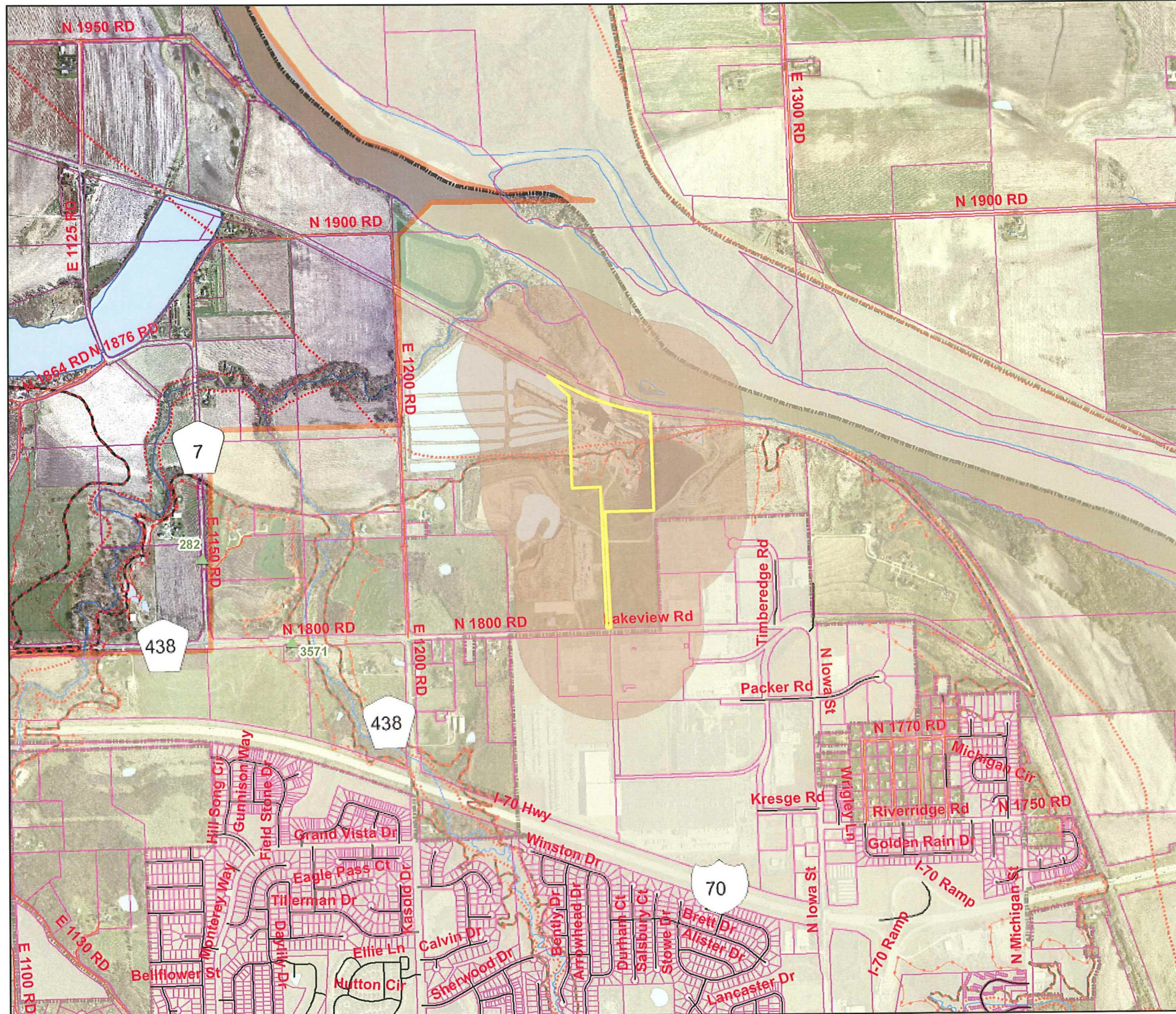
NO.	DATE	DESCRIPTION	BY	CHECKED
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3	2/23/09	ISSUED FOR PERMITTING	WELSH	BLACK
4	2/23/09	ISSUED FOR PERMITTING	WELSH	BLACK






PROJECT	DATE	FIG. NO.	FIG. TOTAL
WESTAR ENERGY CENTER AOCs PROJECT	2/23/09	6133	6133

ENGINEER	DRAWN	CHECKED	DATE
BLACK & VEATCH	BLACK	BLACK	2/23/09

SP-8-38-09



SP-8-38-09

-  SP-8-38-09
-  uga
-  city_limits09

This map was produced by Douglas County GIS.
It is for reference only and is not intended for conveyances, nor is it a legal survey. October 14, 2009

Memorandum

Lawrence-Douglas County Metropolitan Planning Office

TO: Board of County Commissioners
FROM: Mary Miller, Planning Staff
CC: Craig Weinaug, County Administrator
Scott McCullough, Director of Planning and Development Services
Date: For October 21, 2009 County Commission Agenda
RE: Appropriate range of variation for Mid-States Material's detailed reclamation plans for Phases 1A, 2, 3 and 4 of the Big Springs Quarry

The revised reclamation plans and a request to modify the Consent Decree were considered by the County Commission at their September 16, 2009 meeting. The Commission voted to approve the modification from the Consent Decree to permit the natural strata along the north edge of the water feature in Phase 1A to remain. The Commission indicated that the plans of Mid-States Material for reclamation of the quarry were generally acceptable, but did not approve the reclamation plans due to concerns with the amount of variation permitted in General Note 4 on the Cover Sheet. The Commission directed staff to determine an appropriate range of variation for the size of the water features and the finished elevation of the reclaimed land and stated that changes beyond this range would require submittal of revised reclamation plans for staff review and Commission approval.

SIZE OF WATER FEATURES

The goal for the appropriate range of variation for size of water features is to insure that the flow to the adjacent stream is not impacted significantly, and that anticipated evaporation from the water bodies would not exceed average annual runoff from the drainage areas.

The first step in the determination of an appropriate range of variation was an analysis of the drainage area of the stream, a tributary to Deer Creek, which lies east of the quarry to determine the impact of the quarry run-off on the stream-flow. (Attachment A) This graphic compares the drainage area which lies within the areas permitted for the quarry to the total drainage area. Approximately 10% of the stream's drainage area lies within the quarry area; therefore, the impact of the water features on the quarry are limited to 10% of the stream's total flow. A maximum range of 40% of the disturbed area in the drainage area for the water feature(s) in that drainage area provides operational flexibility for the quarry, while insuring that flow reduction in the Deer Creek

tributary is minimal. The maximum size of 40% of the disturbed area also ensures, on average, mean annual runoff from the quarry will exceed evaporation from the water bodies. The County Engineer prepared a graphic showing the drainage areas and the quarry phases to assist in the determination of the size of the water features. (Attachment B)

SHAPE AND LOCATION OF WATER FEATURE

The shape of the water feature will be determined through the quarrying operations. General Note 4 includes a provision that natural strata with a slope greater than 3:1, where approved, may be retained to stabilize the slopes. Language restricting the height of any approved natural strata to 8 ft above the established water elevation was added.

The water features will be located at the terminus of the mining activity. Market conditions determine the limits of mining; therefore the anticipated location is marked on the plan rather than showing the 'exact' location. The plans notes that the water feature will not be located within 300 ft of the quarries exterior property lines.

DRAINAGE FROM WATER FEATURES

The County Engineer requested details for the configuration of the outlet for the water features. The quarry operator provided a typical design and additional details on the pond outlets which the County Engineer will review. The County Engineer will discuss this additional information at the October 21st County Commission meeting.

The quarry operator indicated that they would be willing to work with downstream property owners regarding the impact of the water features on the downstream water sources and has added the following note to the Title Sheet:

"General Note 5: The operator shall, in good faith, work with downstream landowners to effectively manage surface water flows for the benefit of said landowners and the quarry at large."

FINISHED ELEVATION

General Note 4 states that the landforms are general in nature and final elevations are subject to change. Staff originally suggested a range of plus or minus 5 feet; however, the quarry operator explained that if they extracted more limestone than they anticipate a minimum range of 5 ft may require them to import materials to reach that elevation. The County Engineer pointed out that the maximum slope of 3:1 would need to be maintained and the contours within the setbacks would not change; therefore, he felt the minimum range of 10 ft would be acceptable and would have no adverse impact on the surrounding properties.

REVISIONS TO THE PLANS

The Commission indicated the plans should be revised to address the conditions noted in the September 16th Staff Report. The applicant made the revisions as noted below:

1. Provision of a detail sheet for the County Engineer's approval, showing the erosion control method which will be used for the removal of the overburden pile in Phase 1A. The detail should show the erosion control method to be used, the location, and which phase of the reclamation they will be installed in. *The applicant provided a*

copy of their SWP3 (Stormwater Pollution Prevention Plan) to meet this condition.

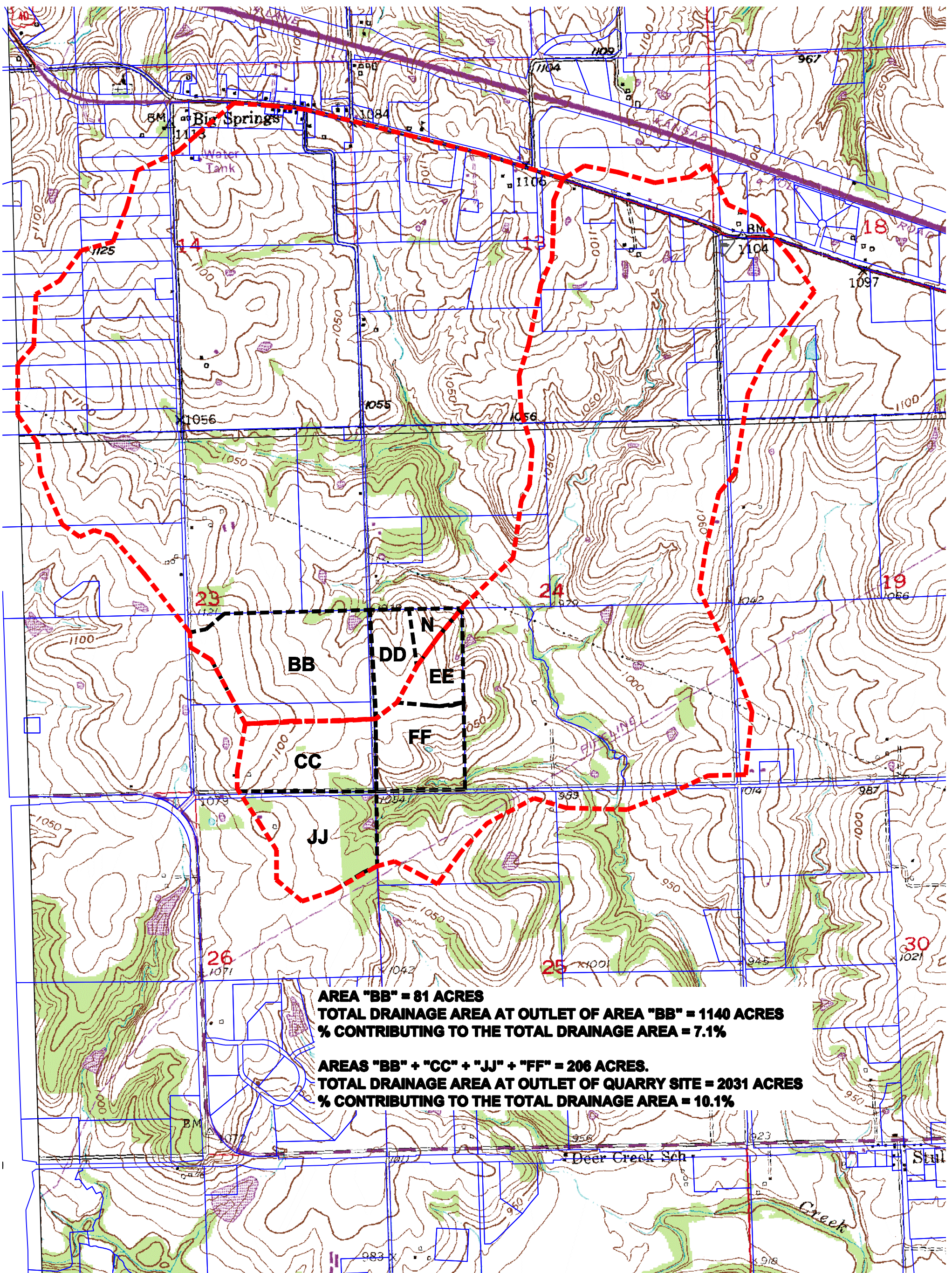
2. A modification from the Consent Decree has been requested by the operator to permit the natural strata along the north edge of the water feature in Phase 1A to remain. If the modification is not approved, the north slope of the water feature in Phase 1A shall be revised on the reclamation plan to a 3:1 slope or less. ***A note indicating that the Board of County Commissioners approved the modification to permit the natural strata to remain on the north shore of the Phase 1A water feature has been added to Sheet 7.***
3. The applicant shall make the following revisions to the reclamation plans:
 - a. General Note 3 on the Title Page should be revised to clarify that reclamation in these phases will be conducted per requirements of the Consent Decree and will not be concurrent with mining activity in those phases. ***This clarification was added to the sequencing note on Sheet 7.***
 - b. General Note 4 on the Title Page shall be revised to reflect the appropriate range of variations as determined by the County Engineer. The water features shall be shown to reflect the anticipated size on the plan and the anticipated surface area of the water features shall be noted on the plan. The Note shall also indicate that any variation beyond the approved range would require administrative review by the Planning Staff and approval by the County Engineer. ***This note has been revised on the plan to include the range of variations as approved by the County Engineer. The note retained the language that any variations beyond this range will require the submittal of revised reclamation plans and clarified that the reclamation plans shall be reviewed by staff and approved by the County Commission.***
 - c. Note 3 on the General Sequencing Plan shall be revised to indicate that the utilization of natural strata rather than the 3:1 or less slope above the established water surface elevation shall require notification to the Planning Office and approval by the County Engineer. ***Note 3 refers to natural strata which is at a 3:1 slope so the revision was not necessary.***
 - d. Sequencing Note 1 on Plan Sheet 7 shall also state that the erosion control measures will be 'maintained' as required in the Stormwater Pollution Protection Plan. ***This change has been made.***
 - e. The sentence in the first paragraph under the heading 'Sequencing Plan' on Plan Sheet 7 shall be revised: "Reclamation of each quarried area within a phase is planned to occur concurrently with mining operations and will be completed as soon as practical after quarrying is complete; however Phase 1-A is an exception as quarrying is complete but reclamation is occurring to resolve a pre-existing condition and portions of Phase 1-A and Phase 2 will be disturbed to facilitate this reclamation." ***Wording has been added to this note to clarify that reclamation in Phases 1A and 2 are not occurring concurrently with mining.***

- f. Revise the reclamation plan shown on Plan Sheet 5 to remove the grading change over the Mid-American Pipeline. **Sheet 5 has been revised to remove the contour over the setback.**
- g. Sheet 5 shall be revised to show accurately the 160 ft setback along the western property line. **Sheet 5 has been revised to show the 160 ft setback accurately.**
- h. The plan should note that each pond will have an 'outflow' and indicate the approximate location. **The plan notes that each pond will have an outflow spillway that matches the elevation of the existing waterway to allow the existing drainage pattern to be maintained (General Note 4)**

Staff Recommendation:

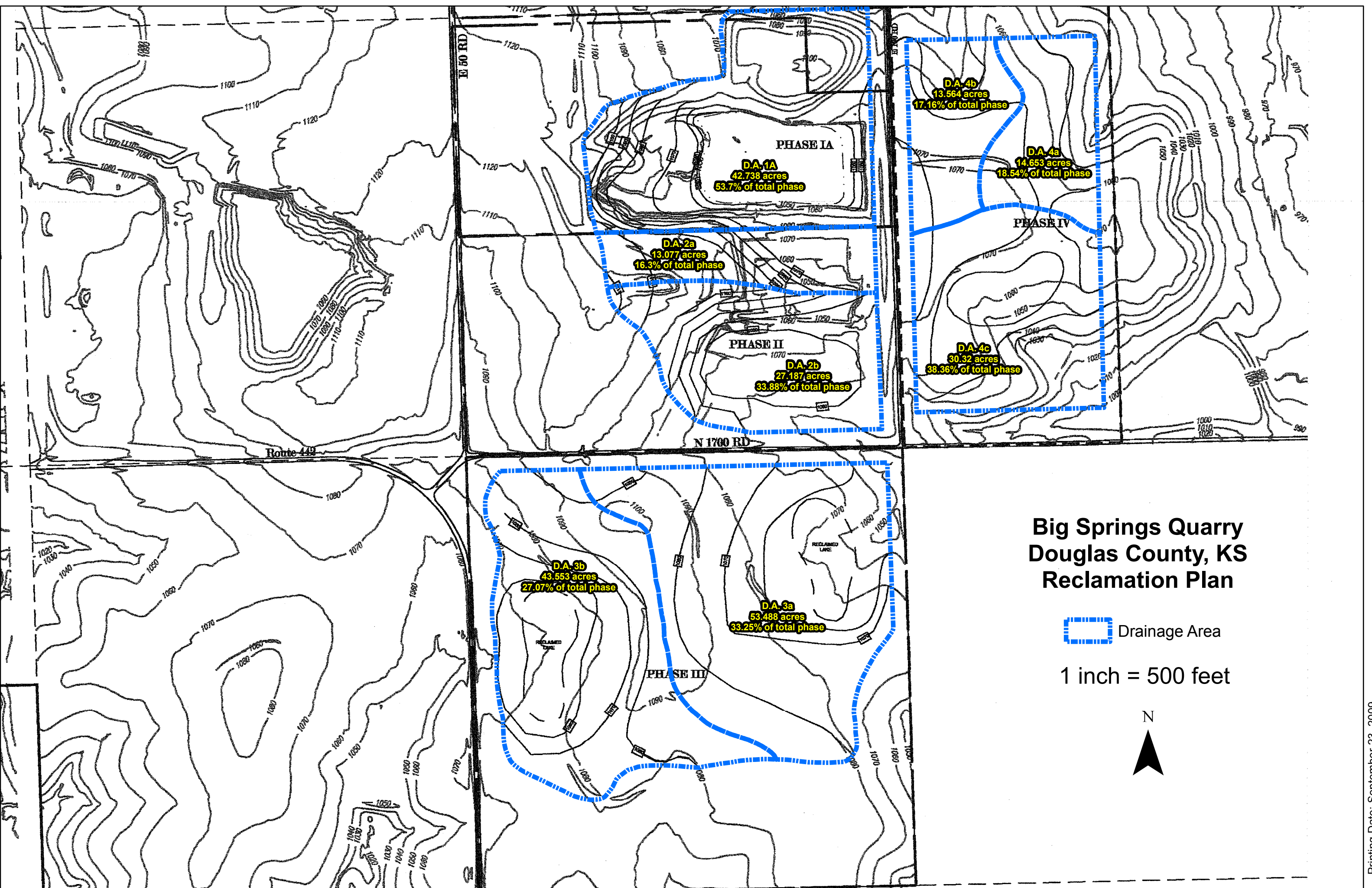
Staff recommends approval of the revised reclamation plans with the following range of variations as noted in General Note 4:

- 1) Finished elevation may vary + 5 feet or – 10 feet
- 2) Size of water feature(s) may vary up to 40% of the disturbed area within the drainage area for the water feature(s); as shown on Attachment B
- 3) Location of water features are restricted to a 300 ft separation from perimeter
- 4) Shape of water features are restricted to an 8 ft maximum height noted for any natural strata with a slope greater than 3:1 which is approved to be retained for stabilization of the bank



**AREA "BB" = 81 ACRES
TOTAL DRAINAGE AREA AT OUTLET OF AREA "BB" = 1140 ACRES
% CONTRIBUTING TO THE TOTAL DRAINAGE AREA = 7.1%**

**AREAS "BB" + "CC" + "JJ" + "FF" = 206 ACRES.
TOTAL DRAINAGE AREA AT OUTLET OF QUARRY SITE = 2031 ACRES
% CONTRIBUTING TO THE TOTAL DRAINAGE AREA = 10.1%**



Big Springs Quarry Douglas County, KS Reclamation Plan

 Drainage Area

1 inch = 500 feet



BIG SPRINGS QUARRY

DETAILED RECLAMATION PLAN

PHASE 1A, 2, 3, AND 4

DOUGLAS COUNTY, KANSAS

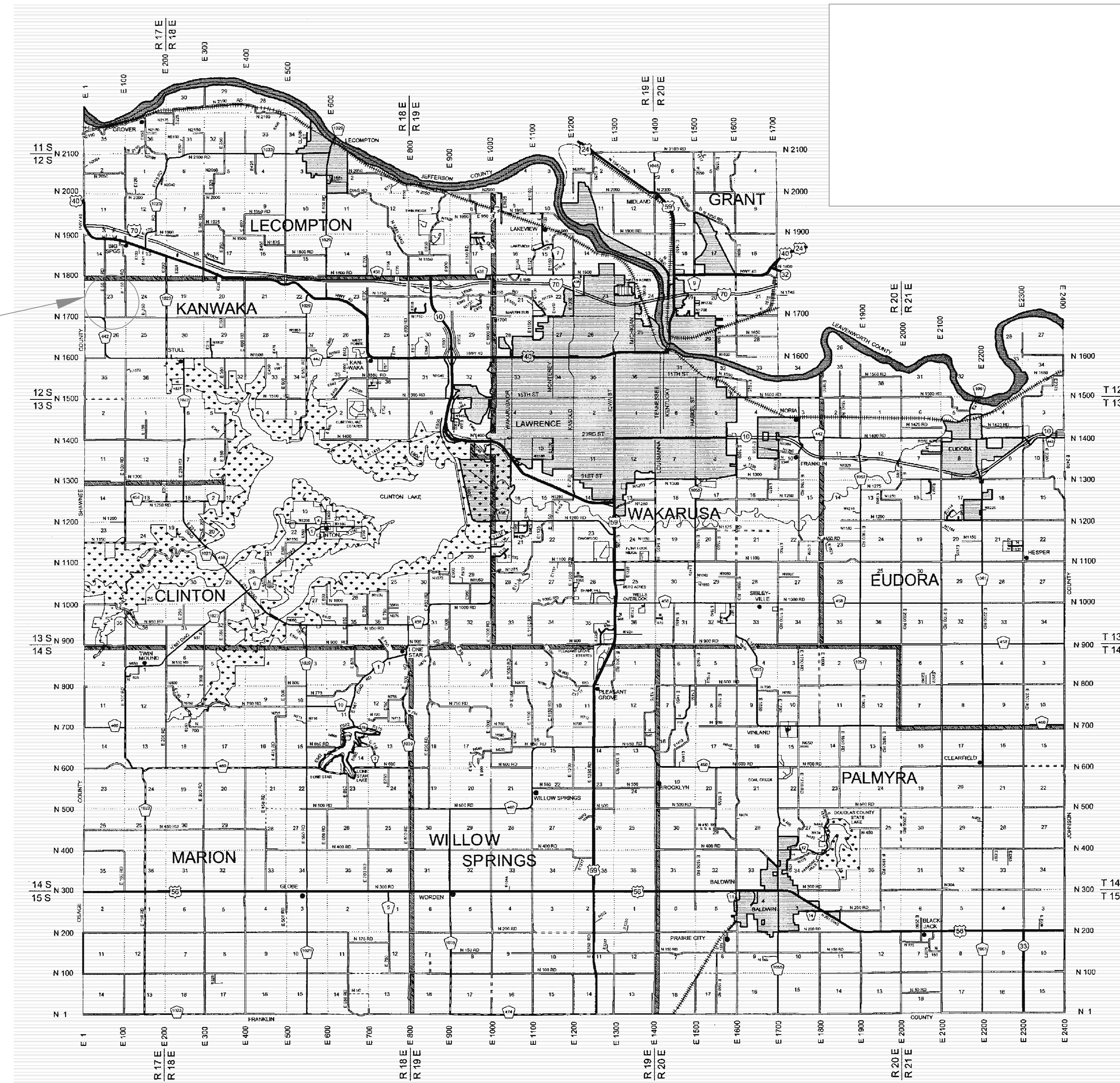
INDEX OF DRAWINGS

- 1 TITLE SHEET
- 2 OVERALL GEOLOGY MAP
- 3 COMPOSITE DETAILED RECLAMATION PLAN
- 4-6 DETAILED RECLAMATION PLANS
- 7 PHASE 1A RECLAMATION PLAN FOR OVERBURDEN PILE
- 8-9 PHASE 1A OVERBURDEN PILE CROSS SECTIONS
- 10 DRAINAGE PLAN FOR PHASE 1A, 2, 3, AND 4
- 11 GENERALIZED QUARRY CROSS SECTION

QUARRY LOCATION

LEGAL DESCRIPTION

All of Section 23, Township 12 South, Range 17 East of the Sixth Principal Meridian, in Douglas County, Kansas except the North 12 rods of East 16 rods of the Northeast Quarter of said Section 23;
 TOGETHER WITH:
 The Northwest Quarter and the Northeast Quarter of Section 26, Township 12 South, Range 17 East of the Sixth Principal Meridian, in Douglas County, Kansas
 AND TOGETHER WITH:
 The West Half of the Southwest Quarter of Section 24, Township 12 South, Range 17 East of the Sixth Principal Meridian, in Douglas County, Kansas.



GENERAL NOTES

1. All quarry operations will be performed in accordance with the Storm Water Pollution Prevention Plan (SWPPP) on file with the Kansas Department of Health And Environment, as it may be amended from time to time.
2. Materials used to complete the reclamation of Phase 2 may be excavated and obtained from the mining operations in the area of Phase 3. In a likewise manner, materials used to complete the reclamation of the land in each phase may be taken from the mining operations in the subsequent phase. The area which may be disturbed in the subsequent phase prior to completion of reclamation in a previous phase is limited to the acreage specified in the CUP.
3. Reclamation of each quarried area within a phase is planned to occur concurrently with mining operations and will be completed as soon as practical after quarrying is complete. Material will be borrowed from the subsequent phase to finish reclamation in a completed phase where necessary. Reclamation activities, for the purpose of determining when quarrying in the subsequent phase may proceed beyond the acreage restriction in the CUP are considered complete when final grading, seeding, and mulching operations are completed.
4. The detailed reclamation plans presented herein are subject to change based on variable field conditions relative to soil and rock volumes, soil and rock characteristics and field conditions which may be encountered during the mining and reclamation processes. Landforms indicated are general in nature and final elevations may vary as much as 5 ft higher or 10 ft lower than shown on the plan. Water bodies may change relative to size, location, shape and elevation as field conditions dictate. The surface area of any water body or bodies will not exceed 40% of the disturbed area in the watershed contributing to that water body or bodies. There is no minimum range for the surface area of the water body. Each water body shall have an outflow spillway that matches the elevation of the existing waterway to allow the existing drainage pattern to be maintained. The surface area of the water body is measured at spillway elevation. No water body shall extend to a depth below elevation 1042. No water body shall be located within 300 feet of an exterior property line. Depth and surface area of water bodies will vary based on climatic conditions. Any other variations or variations beyond the ranges specified in this note will require a revision to the reclamation plan. The revised reclamation plan shall be submitted to the Planning Office for review and the Board of County Commissioners for approval. Provided however, no man-made earth slope, with the exception of the slope of the water feature below the established water level, shall exceed 3:1, and provided that where approved, natural strata with a stable slope steeper than 3:1, and 8' feet high or less in height above the established water surface elevation, may be retained for any water feature and provided that the overburden pile located in Phase 1 A will not exceed elevation 1070 after reclamation is complete.
5. The operator shall, in good faith, work with downstream landowners to effectively manage surface water flows for the benefit of said landowners and the quarry at large.

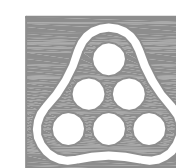
GENERAL SEQUENCING PLAN

The intent of reclamation is to return the land to be suitable for use for agriculture (haying and ranching activities), recreation, wildlife habitat, or other uses. Water features will be incorporated into the reclaimed land to support ranching and fishing, as well as to support wildlife. Reclamation of each quarried area within a phase is planned to occur concurrently with mining operations and will be completed as soon as practical after quarrying is complete. Material will be borrowed from the subsequent phase to finish reclamation in a completed phase where necessary. Reclamation activities, for the purpose of determining when quarrying in the subsequent phase may proceed beyond the acreage restriction in the CUP are considered complete when final grading, seeding, and mulching operations are completed.

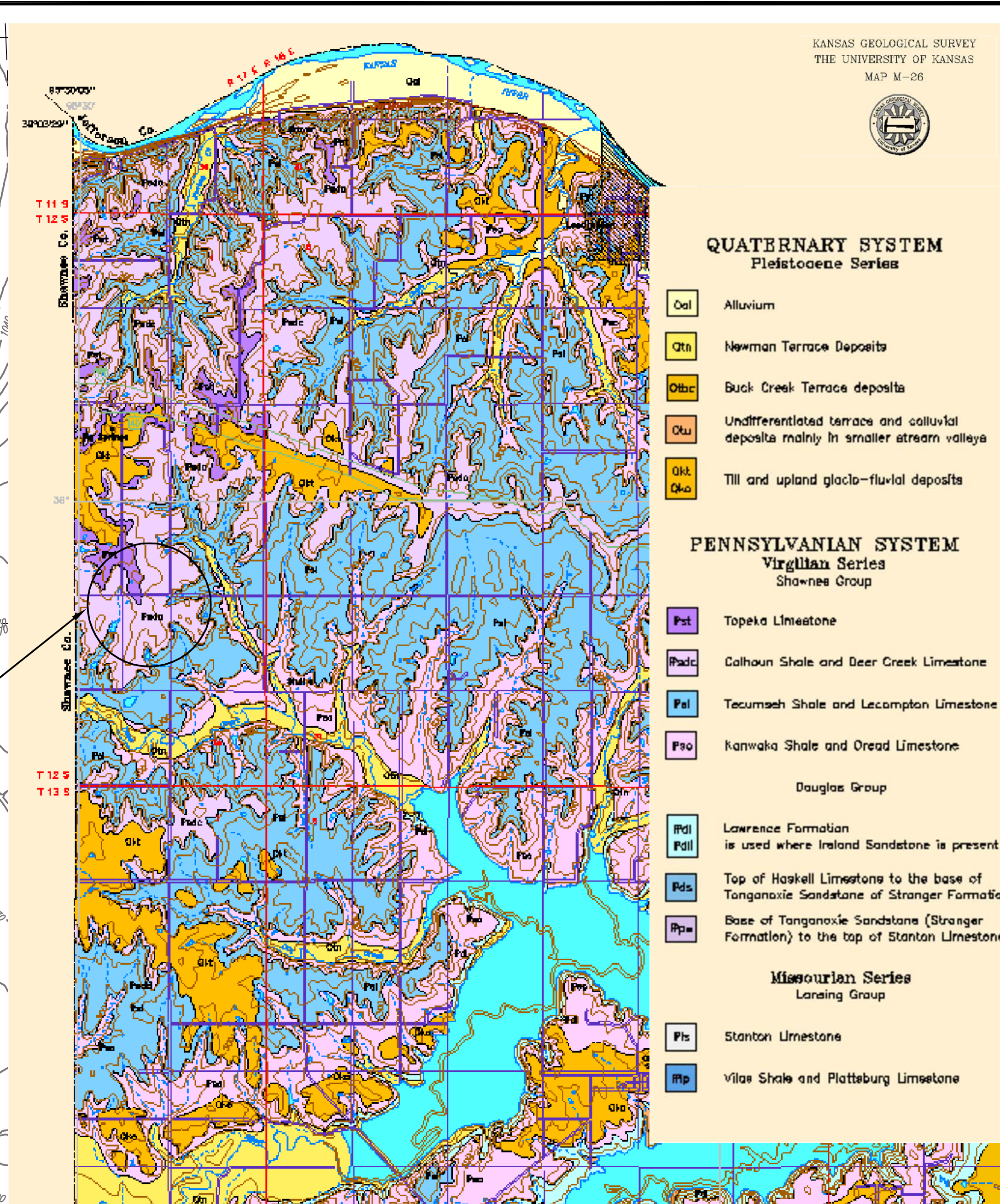
Reclamation will occur in the following sequence:

1. Place erosion control sediment barriers on down gradient side of earthmoving operations.
2. Fill excavated area with overburden material taken from active mining processes or available stockpiles.
3. Where water bodies are to be created, the slope above the planned water's edge will be shaped to a gradient of 3:1 or flatter. Natural strata along the water body may be retained in place for bank stabilization, or stone may be placed at the planned water's edge to stabilize the bank.
4. All man-made slopes will be graded to have slopes 3:1 or flatter, with the exception of the slope of the water feature below the planned water level, and provided that where approved, natural strata with a slope steeper than 3:1 may be retained for stabilization of the bank of any water feature. Where appropriate, terraces will be installed to minimize erosion.
5. After finish grading, the surface shall be disked to a depth of six inches. A thickness of four inches of topsoil shall be placed on all areas to be vegetated. Topsoil material to be taken from topsoil stockpile(s) on site.
6. All disturbed non-water body areas shall be seeded and mulched. Seeding shall be prairie grass/wildflower mix for the District 1 area in accordance with the standards of the Kansas Department of Transportation, or wildlife habitat mix in accordance with the standards of Quail Unlimited. Prairie hay or wheat straw mulch shall be applied at a rate of two tons per acre and tacked down. In areas seeded for erosion control, mowed lawns, and berms, seeding shall be K-31 fescue at 300 pounds per acre and annual rye at 50 pounds per acre.

SEPTEMBER 2009
 PEC PROJECT No. 08A39-000



Professional Engineering Consultants, P.A.
 1263 S.W. TOPEKA BLVD. • TOPEKA, KANSAS 66612
 785-233-8300 • FAX 785-233-8855



Generalized east-west geologic cross section across central Douglas County showing major rock units

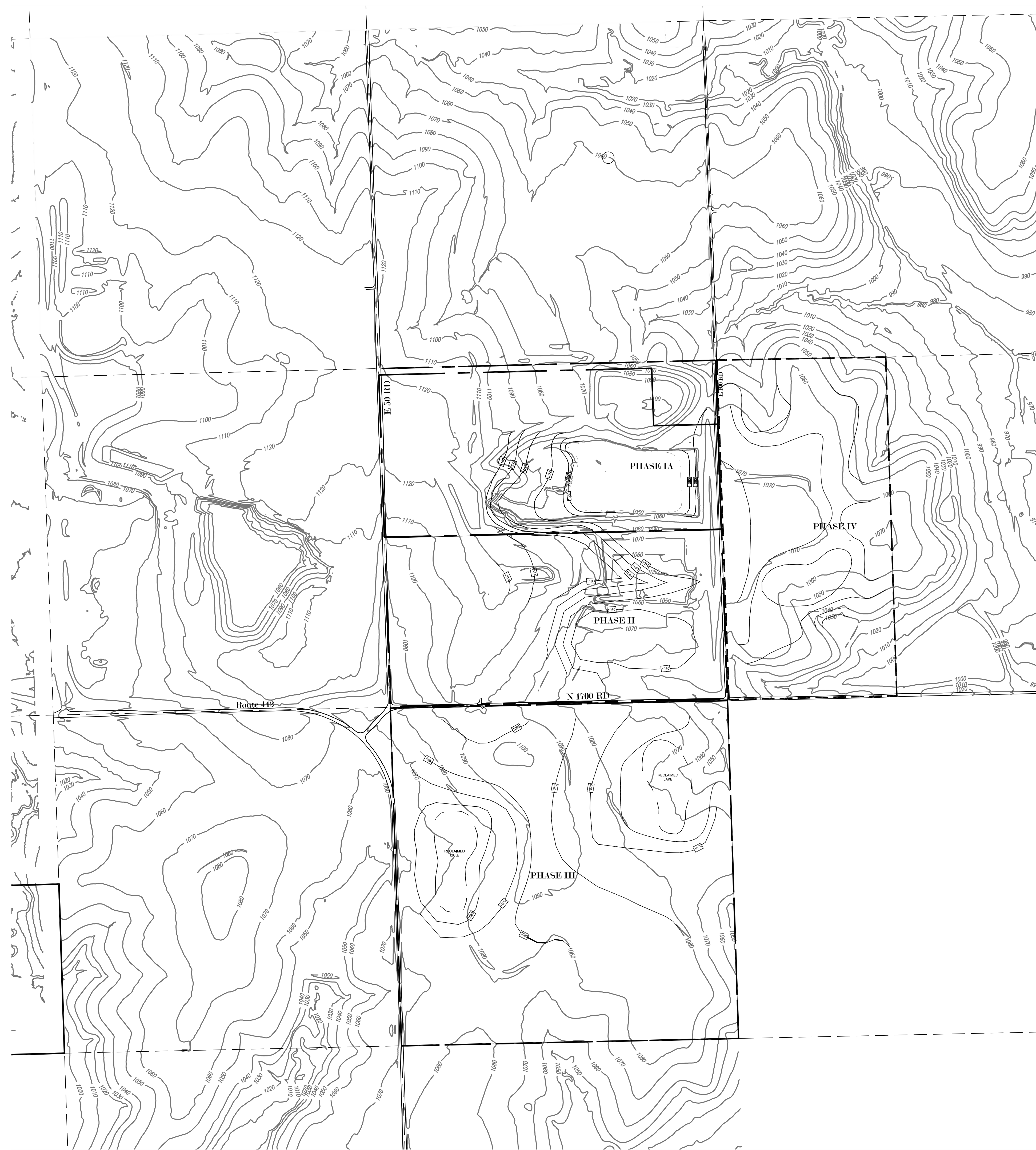


LEGEND

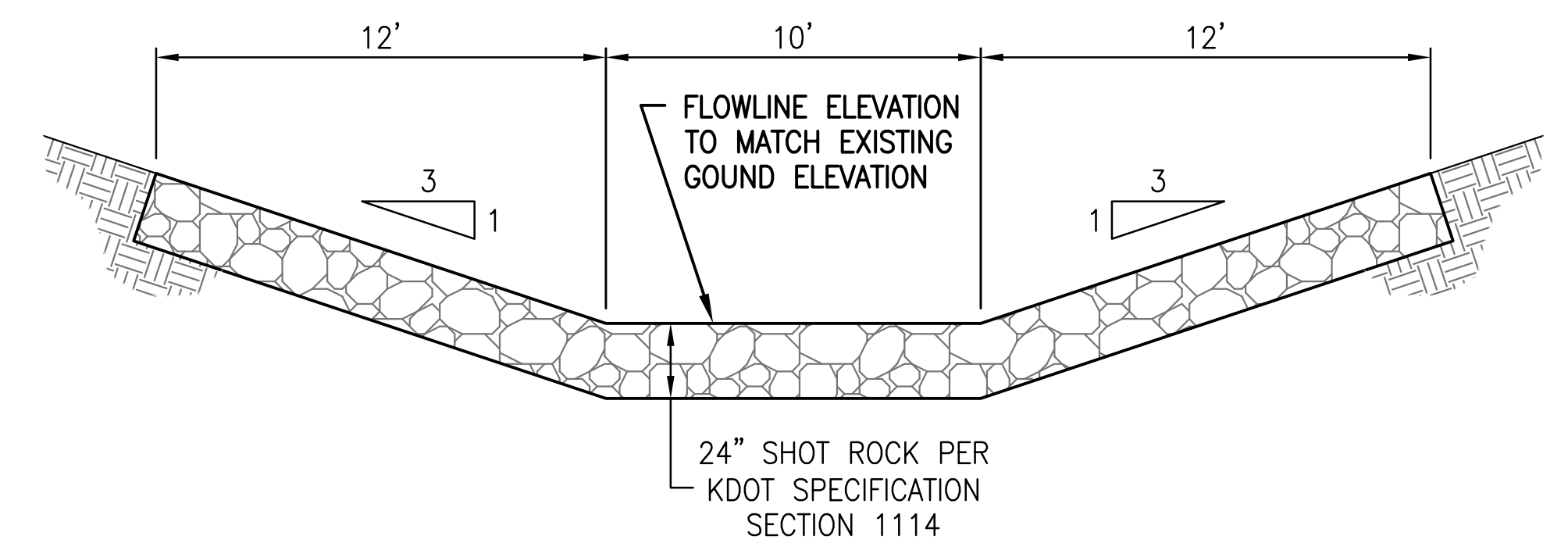
- OB OVERBURDEN
- EC ERVINE CREEK LIMESTONE MEMBER
- HF HARTFORD LIMESTONE MEMBER

No.	Revision	By	Date
BIG SPRINGS QUARRY DOUGLAS COUNTY, KANSAS OVERALL GEOLOGY MAP			
Professional Engineering Consultants, P.A. 1263 SW TOPEKA BLVD. • TOPEKA, KANSAS 66612 785-233-8300 • FAX 785-233-8855			
Designed by	TC/MWB	Job No.	08A39
Drawn by	TCC	Date	JUNE 2009
			Sht. 2 of 11

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(IN FEET)
 1 inch = 400 ft.

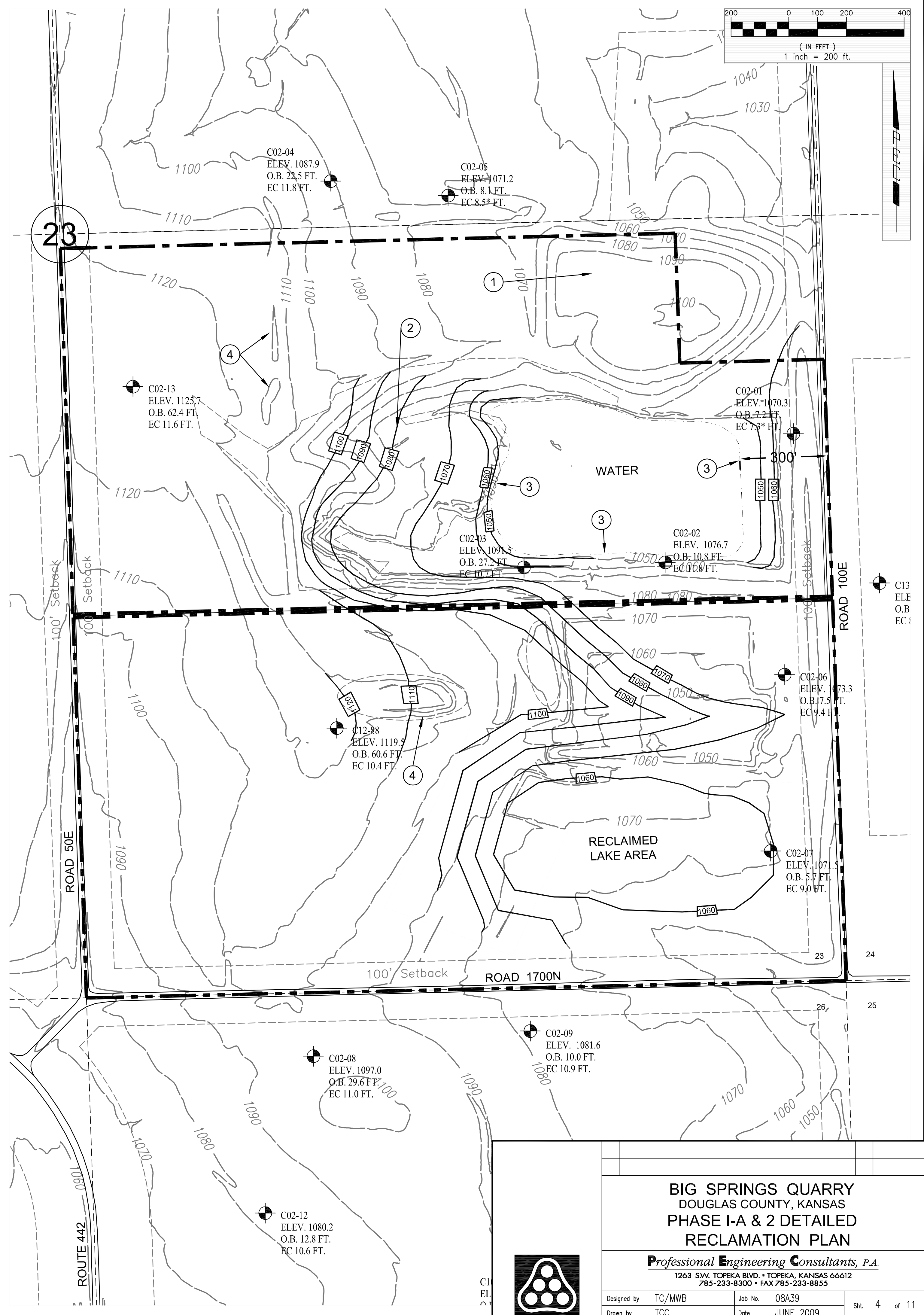
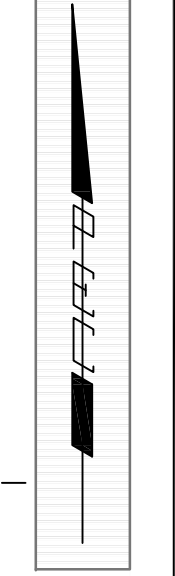
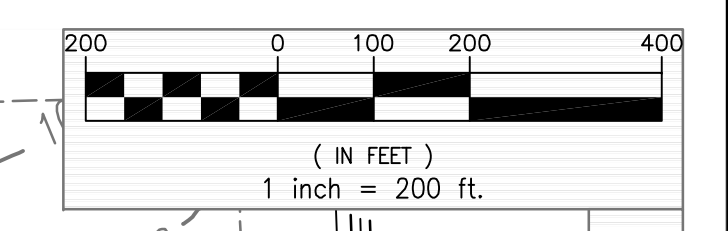


OVERFLOW SPILLWAY DETAIL

LEGEND

- PHASE 1A BOUNDARY
- PHASE 2 BOUNDARY
- PHASE 3 BOUNDARY
- PHASE 4 BOUNDARY

No.		Revision		By	Date
BIG SPRINGS QUARRY DOUGLAS COUNTY, KANSAS COMPOSITE DETAILED RECLAMATION PLAN					
Professional Engineering Consultants, P.A. 1263 SW TOPEKA BLVD • TOPEKA, KANSAS 66612 785-233-8300 • FAX 785-233-8855					
Designed by	TC/MWB	Job No.	08A39	Sht. 3 of 11	
Drawn by	TCC	Date	JUNE 2009		



LEGEND

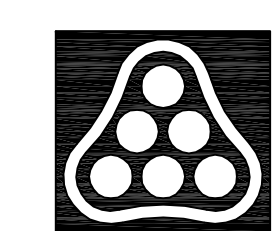
- PHASE 1A BOUNDARY
- PHASE 2 BOUNDARY

NOTE THAT ALL DIMENSIONS ARE TO PROPERTY LINE

PHASE IA & II

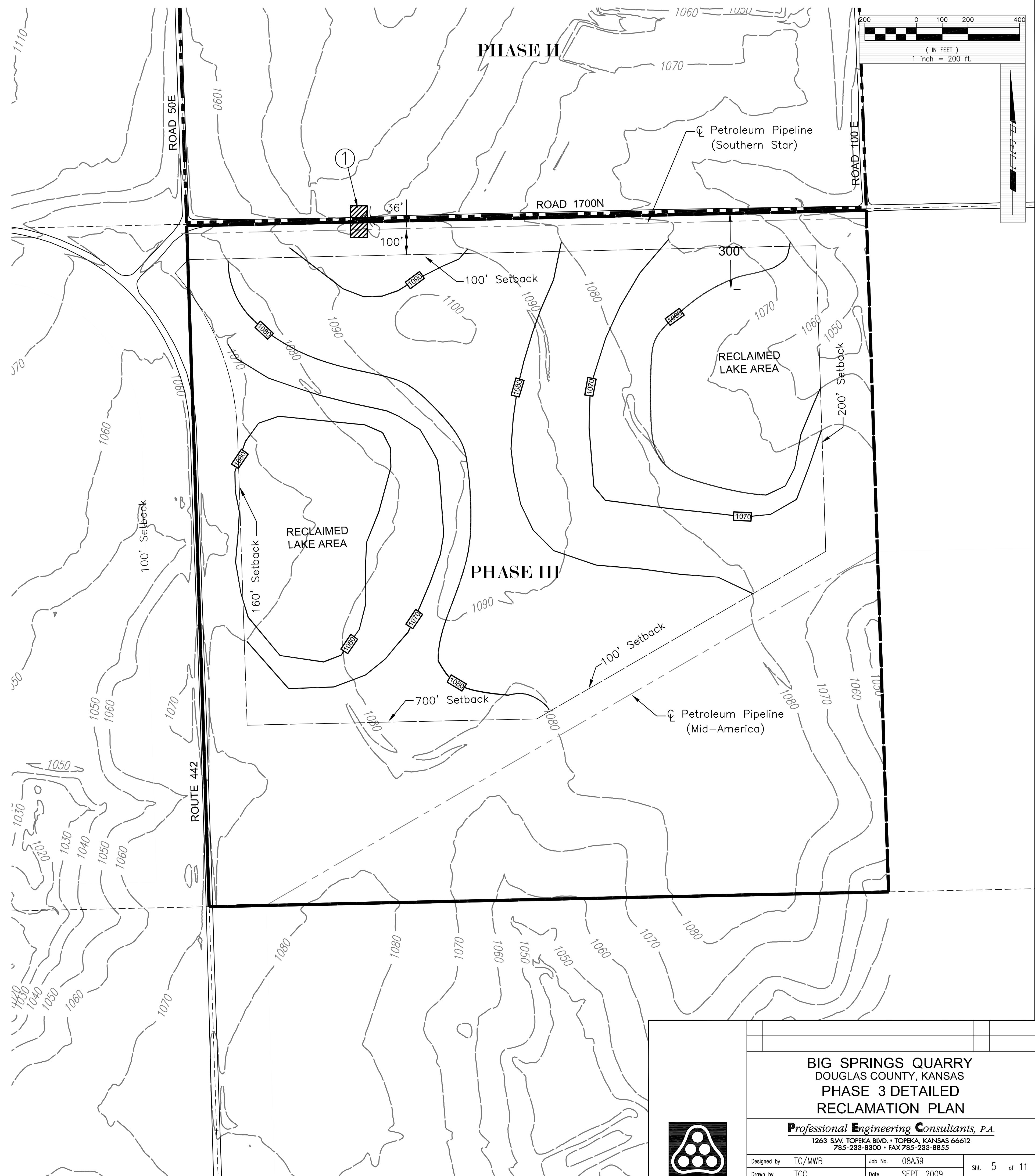
- ① Remove and reconstruct overburden pile to elevation 1070 or lower. See Sheet No.7.
- ② Place overburden material to provide terraced slope toward water body.
- ③ Reconstruct bank to 3:1 or flatter gradient.
- ④ Topsoil material to be used for topsoil operations in Phase I-A.

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BIG SPRINGS QUARRY DOUGLAS COUNTY, KANSAS PHASE I-A & 2 DETAILED RECLAMATION PLAN		
Professional Engineering Consultants, P.A. 1263 SW. TOPEKA BLVD. • TOPEKA, KANSAS 66612 785-233-8300 • FAX 785-233-8855		
Designed by TC/MWB Drawn by TCC	Job No. 08A39 Date JUNE 2009	SH. 4 of 11

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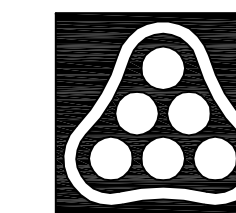
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--- PHASE 2 BOUNDARY

--- PHASE 3 BOUNDARY

NOTE THAT ALL DIMENSIONS ARE TO PROPERTY LINE

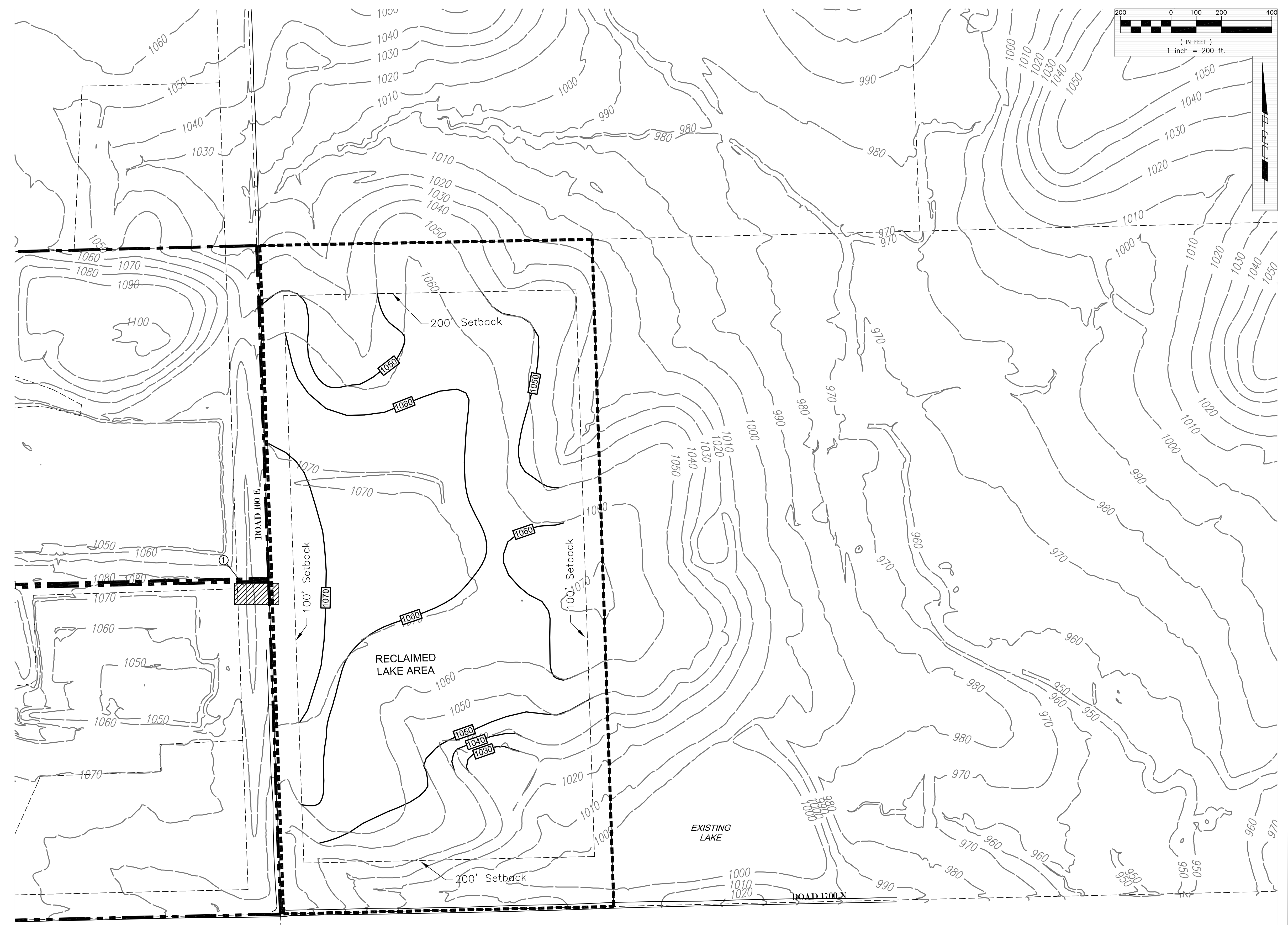
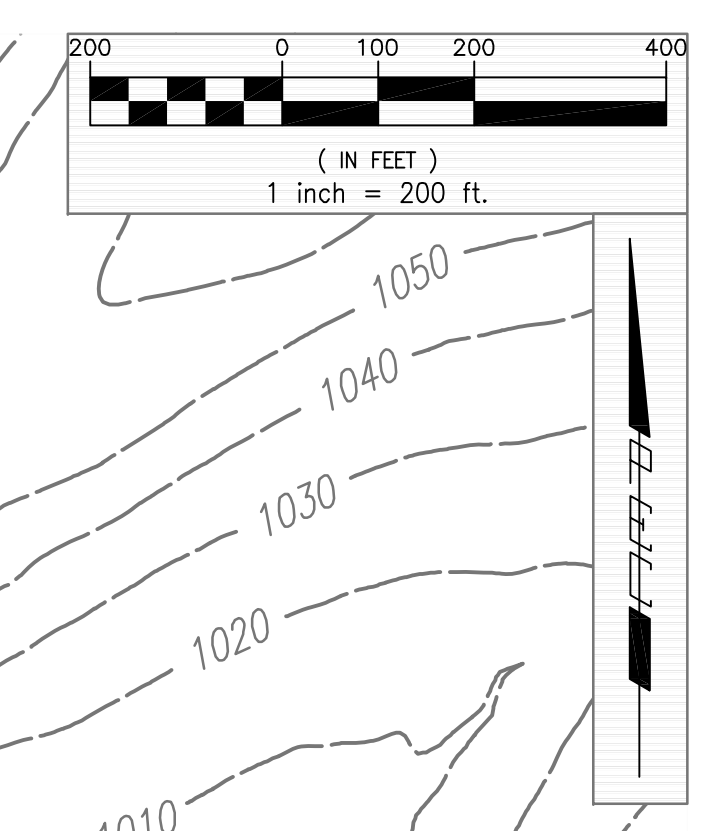
① HAUL ROAD CROSSING, APPROVED BY COUNTY ENGINEER, JUNE, 2009.



**BIG SPRINGS QUARRY
DOUGLAS COUNTY, KANSAS
PHASE 3 DETAILED
RECLAMATION PLAN**

Professional Engineering Consultants, P.A.
1263 SW TOPEKA BLVD • TOPEKA, KANSAS 66612
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Designed by	TC/MWB	Job No.	08A39	Sht. 5 of 11
Drawn by	TCC	Date	SEPT. 2009	



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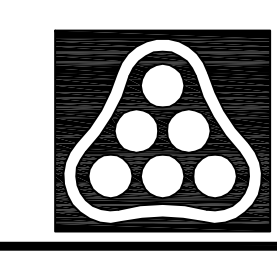
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- PHASE 2 BOUNDARY
- PHASE 4 BOUNDARY

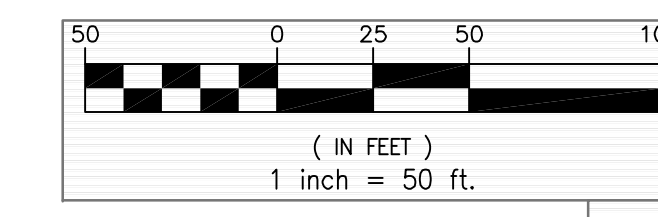
NOTE THAT ALL DIMENSIONS ARE TO PROPERTY LINE

① PROPOSED HAUL ROAD CROSSING TO STANDARD APPROVED BY COUNTY ENGINEER.

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No.		Revision		By		Date	
BIG SPRINGS QUARRY DOUGLAS COUNTY, KANSAS PHASE 4 DETAILED RECLAMATION PLAN							
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Designed by	MWB	Job No.	08A39	Sht.		6 of 11	
Drawn by	DMS	Date	APRIL 2009				





RECLAMATION DRAINAGE PLAN NOTES

- ① CONSTRUCT DITCH PLUG AT ELEV. 1068
- ② REMOVE OVERBURDEN TO ELEVATION 1070. GRADE TOP TO DRAIN TO SOUTH.
- ③ GRADE 10' EARTHEN CHANNEL TO DRAIN SOUTH.
- ④ CONSTRUCT RIPRAP DITCH LINING TO WATERS EDGE.

SEQUENCING PLAN- PHASE 1A

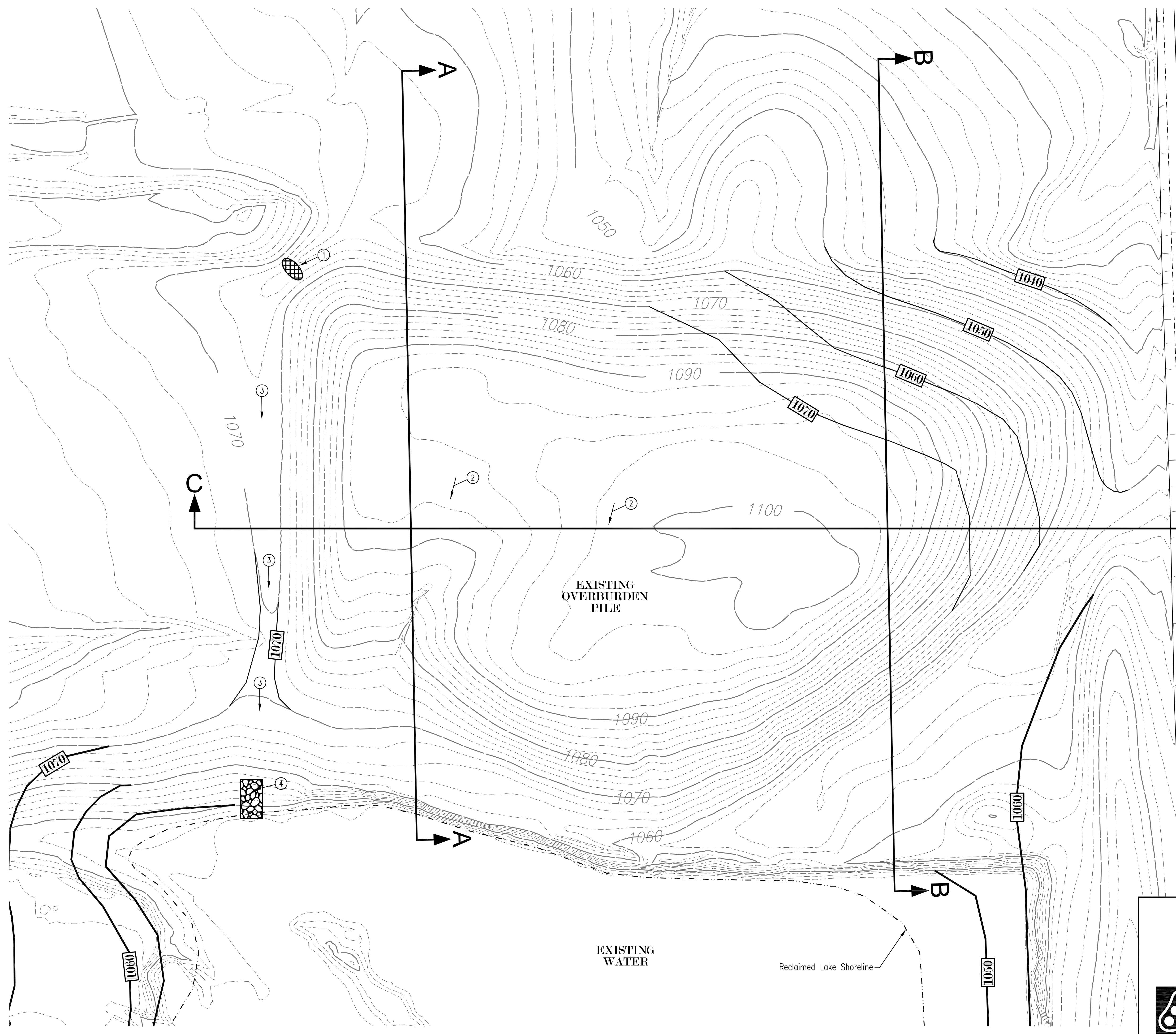
The intent of reclamation is to return the land to be suitable for use for agriculture (hay and ranching activities), recreation, wildlife habitat, or other uses. Water features will be incorporated into the reclaimed land to support ranching and fishing, as well as to support wildlife. Reclamation of each quarried area within a phase is planned to occur concurrently with mining operations and will be completed as soon as practical after quarrying is complete. Material will be borrowed from the subsequent phase to finish reclamation in a completed phase where necessary. Reclamation activities, for the purpose of determining when quarrying in the subsequent phase may proceed beyond the acreage restriction in the CUP are considered complete when final grading, seeding, and mulching operations are completed.

Reclamation of the area designated Phases 1A and 2 will be performed in accordance with the schedule set forth in Section 2 of the Consent Decree executed by the Board of County Commissioners, Douglas County, Kansas and Mid-States Materials, LLC on May 27, 2009.

The Board of County Commissioners approved a modification to the Consent Decree at their September 16, 2009 meeting to allow the rock strata along the north shore of the water feature in Phase 1A to remain. A slope of 3:1 is not necessary in this area.

Reclamation will occur in the following sequence:

1. In accordance with Best Management Practices, place and maintain erosion control sediment barriers on down gradient side of earthmoving operations. Refer to the Storm Water Pollution Prevention Plan Dated June 2009.
2. Perform test excavation on overburden pile to determine the limits and extent of topsoil that may be encountered in the pile.
3. If topsoil is present in volumes practical for salvage with conventional powered earthmoving equipment, remove and temporarily stockpile topsoil materials from the overburden pile for later reuse. Temporary stockpiles shall not exceed twelve feet in height and will be seeded in annual rye to prevent wind or water erosion. During these operations, retain existing vegetation on north and east sides of overburden pile as long as practical.
4. Utilizing overburden materials, re-established grades above the water line along the east, south and west sides of the existing water body to a gradient of 3:1 or flatter. Natural strata on the north side of the water body will be retained in place for bank stabilization. Stone may be placed at the planned water's edge to stabilize the bank. Create a terraced slope west of the water body utilizing material from the overburden pile. The remainder of the overburden pile will be graded to have slopes 3:1 or flatter and shall not exceed elevation 1070. During these operations, retain existing vegetation on north and east sides of overburden pile as long as practical.
5. If necessary to facilitate earthmoving operations, existing water levels may be modified. Any waters discharged from modification of water levels shall be disposed of in water bodies located in Phase 1 and/or Phase 2.
6. After finish grading, the surface shall be disked to a depth of six inches. A thickness of four inches of topsoil shall be placed on all areas to be vegetated. Topsoil material to be taken from topsoil stockpile(s) on site.
7. All non-water body areas shall be seeded and mulched. Seeding shall be prairie grass/wildflower mix for the District 1 area in accordance with the standards of the Kansas Department of Transportation, or wildlife habitat mix in accordance with the standards of Quail Unlimited. Prairie hay or wheat straw mulch shall be applied at a rate of two tons per acre and tacked down. In areas seeded for erosion control, mowed lawns, and berms, seeding shall be K-31 fescue at 300 pounds per acre and annual rye at 50 pounds per acre.
8. Install and maintain temporary sediment barriers in accordance with best management practices until vegetation is established.



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No.	Revision	By	Date

BIG SPRINGS QUARRY
 DOUGLAS COUNTY, KANSAS
PHASE 1A RECLAMATION PLAN FOR OVERBURDEN PILE

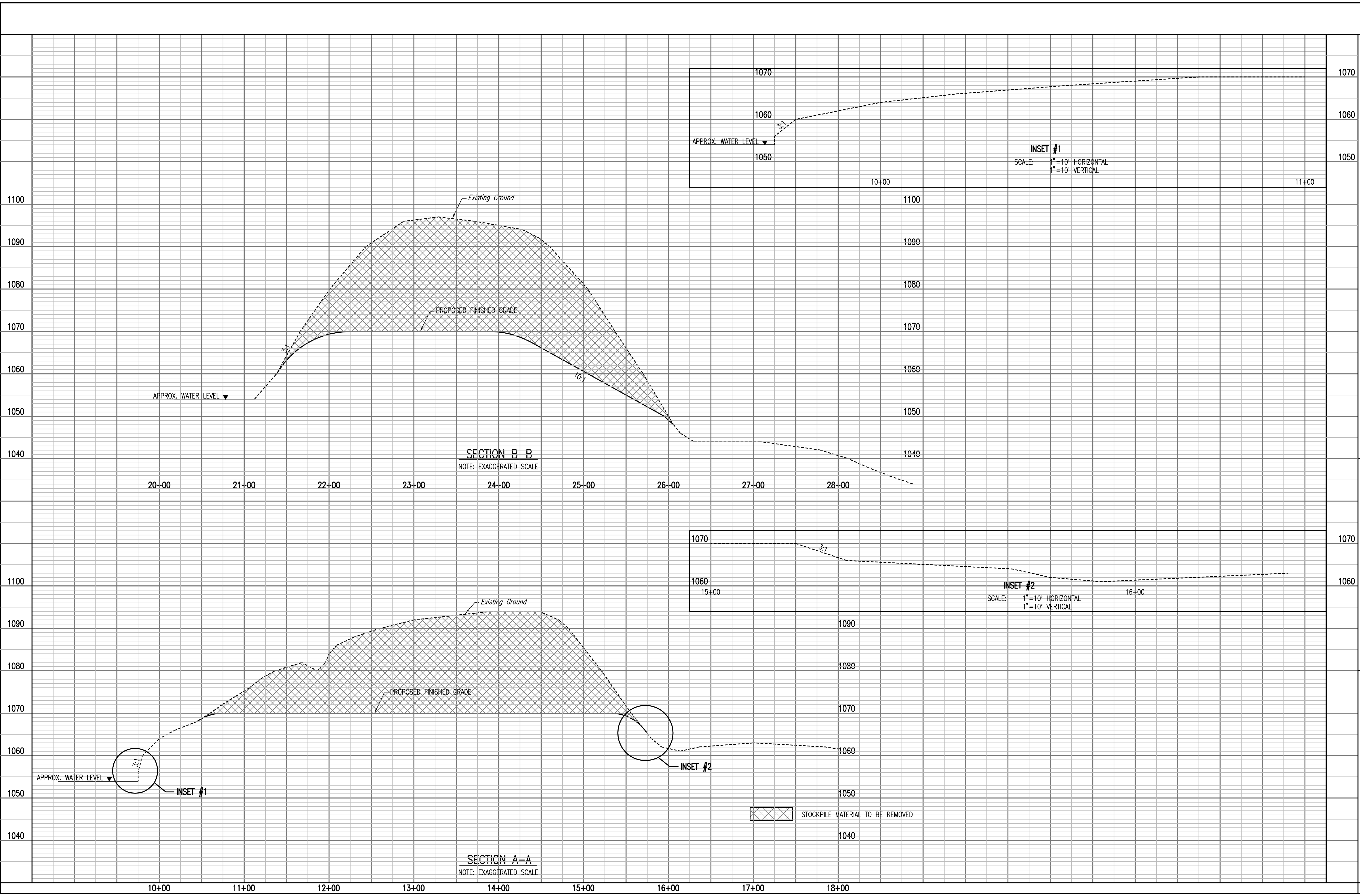
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Designed by	MWB	Job No.	08A39	Sht. 7 of 11
Drawn by	DMS	Date	SEPT. 2009	

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PROFILE	

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BIG SPRINGS QUARRY
DOUGLAS COUNTY, KANSAS
CROSS SECTIONS
PHASE 1A OVERBURDEN PILE

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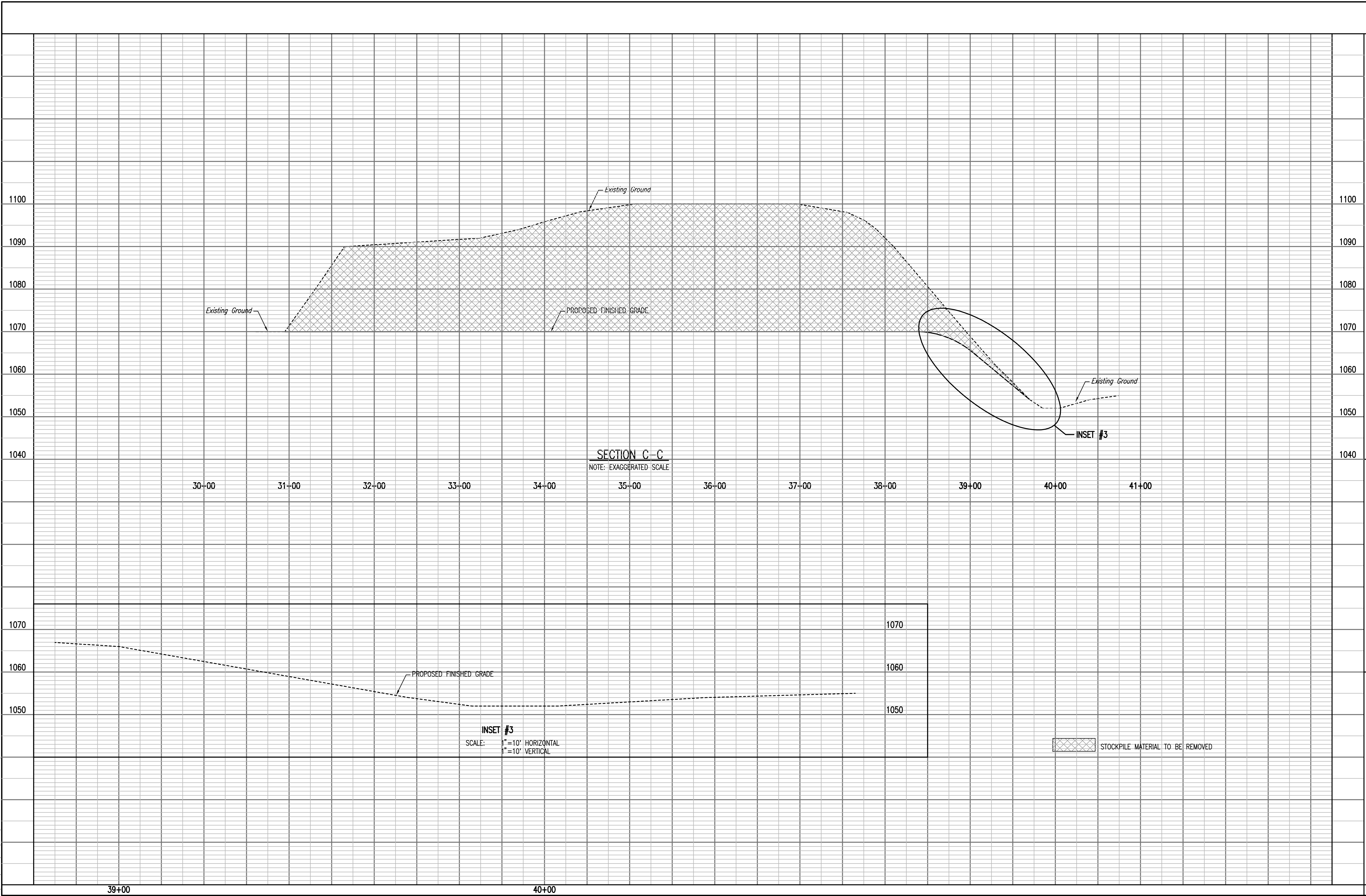
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 Drawn By: DMS

Job No.: 08A39
 Date: JULY 2008

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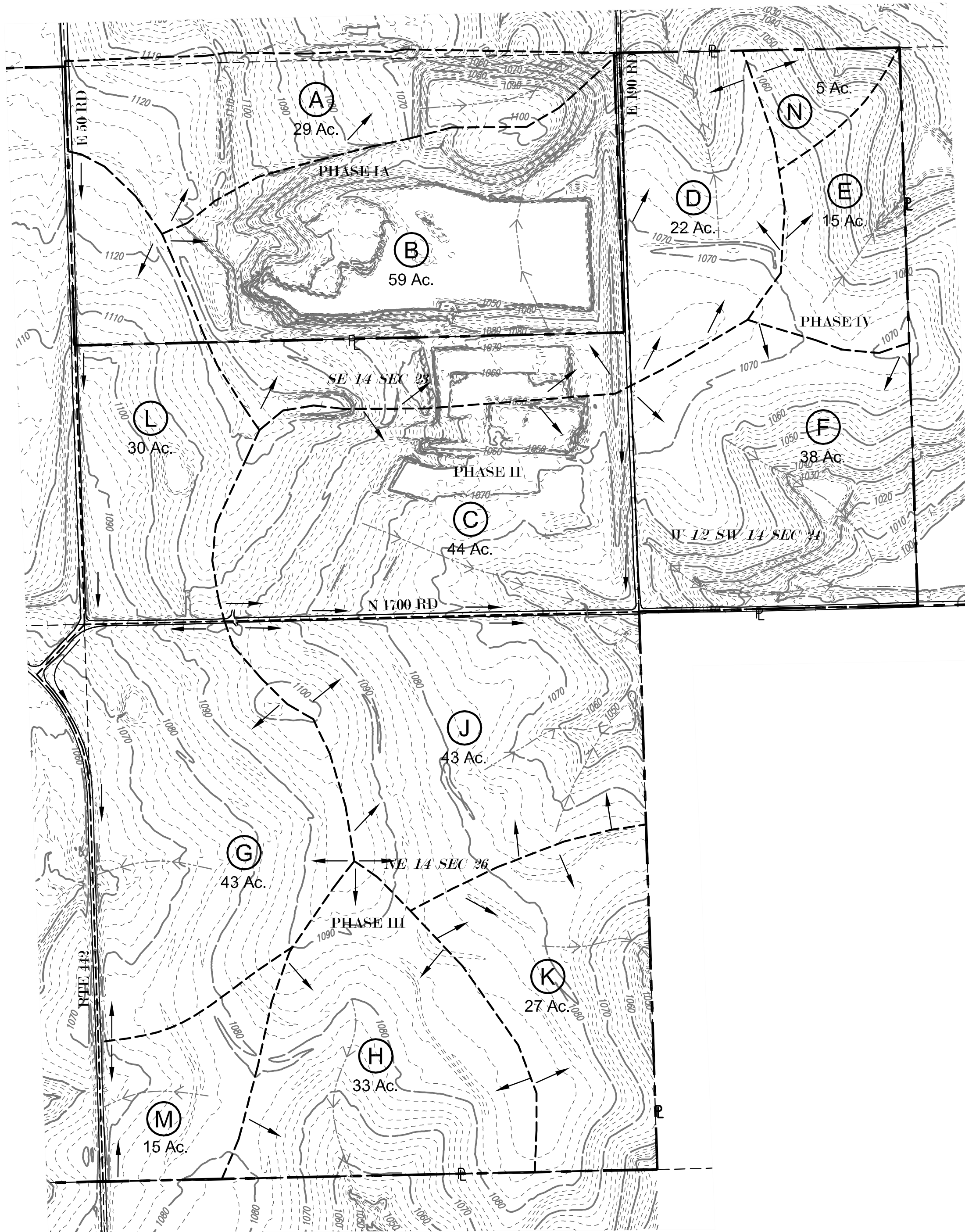
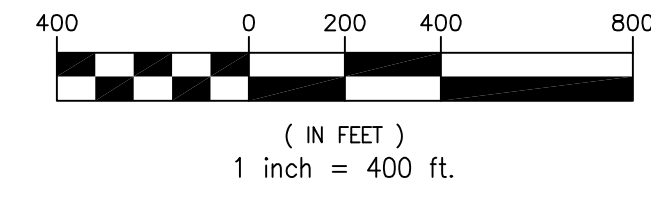


BIG SPRINGS QUARRY
 DOUGLAS COUNTY, KANSAS
CROSS SECTIONS
 PHASE 1A OVERBURDEN PILE

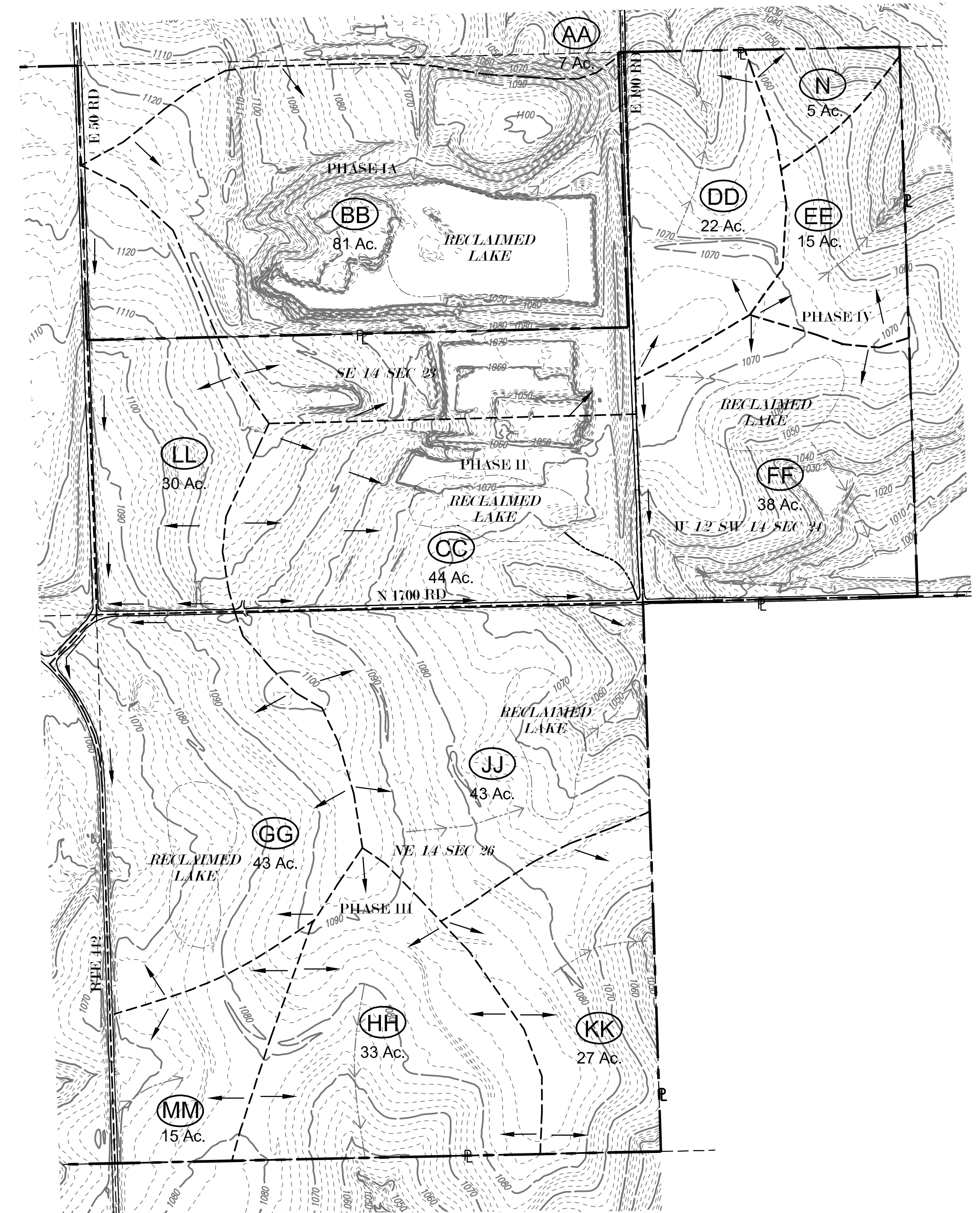
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Designed By: MMB
 Drawn By: DMS

Job No.: 08A39
 Date: JULY 2008



DRAINAGE MAP - PRE-MINING

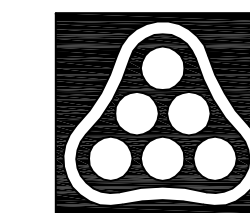


DRAINAGE MAP - POST RECLAMATION

LEGEND

- Watershed Crest
- - - - -> Watercourse / Waterbody
- Flow Direction

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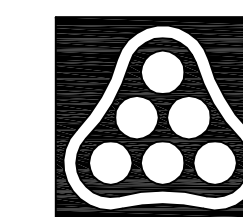
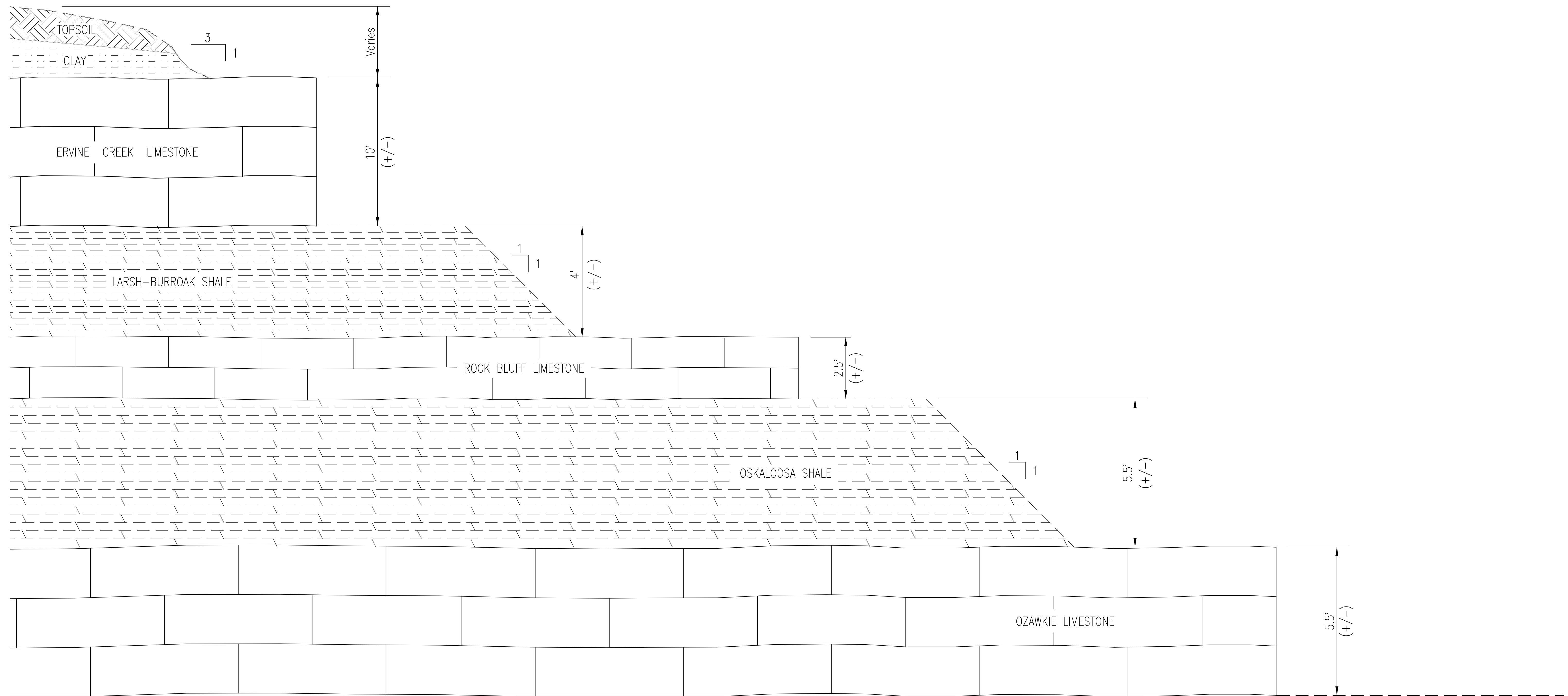
No.	Revision	By	Date

BIG SPRINGS QUARRY
 DOUGLAS COUNTY, KANSAS
 DRAINAGE PLAN FOR
 PHASE 1A, 2, 3, AND 4

Professional Engineering Consultants, P.A.
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Designed by	MWB	Job No.	08A39	Sht. 10 of 11
Drawn by	DMS/TCC	Date	JUNE 2009	

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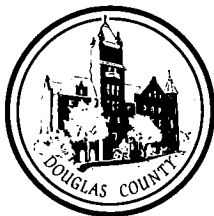


No.	Revision	By	Date

BIG SPRINGS QUARRY
 DOUGLAS COUNTY, KANSAS
 GENERALIZED QUARRY CROSS SECTION

Professional Engineering Consultants, P.A.
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 785-233-8300 • FAX 785-233-8855

Designed by	TC/MWB	Job No.	08A39	Sht. 11 of 11
Drawn by	TCC	Date	JUNE 2009	



DOUGLAS COUNTY PUBLIC WORKS

1242 Massachusetts Street
Lawrence, KS 66044-3350
(785) 832-5293 Fax (785) 841-0943
dgcopubw@douglas-county.com
www.douglas-county.com

Keith A. Browning, P.E.
Director of Public Works/County Engineer

MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *KAB*

Date : October 16, 2009

Re : Big Springs quarry mitigation
Supplemental information concerning outlets for water features

This memo is to supplement the memo from Mary Miller concerning range of variation for Mid-States Materials quarry reclamation plans.

In addition to the range of variation for sizes of water features and final elevations, the consulting engineer for Lone Oak raised questions on the proposed outlet configurations for the water features. The reclamation plans did not detail the outlet configurations. With no details in the reclamation plans, the concern was that an overly wide spillway may result in more frequent, larger flows of shorter duration (i.e. flooding). In addition, a spillway that is too narrow may result in high discharge rates over a longer duration compared to pre-mining conditions. This may result in downstream erosion.

I asked Mid-States' engineer (PEC) to model and develop a spillway configuration to address these concerns. While the exact, final pond configuration and size will not be known until quarrying activities occur, I asked him to consider generic ponds over a reasonable size-range, and develop at least a guide for the size and configuration of the spillway.

PEC modeled pond sizes ranging from a minimum 2-acre pond to the proposed maximum size allowed (40% of the disturbed area within the ponds drainage area). The model considered broad-crested (10' breadth) weir outlets ranging from 2' wide to 20' wide. The modeling indicated that a 10' wide spillway seems to work well for various pond sizes.

The attached table shows the modeling results for two pond sizes, a 2-acre pond and a pond size up to 40% of the disturbed area. For storm return interval periods varying from 1-year to 100-years, the table shows flow in (Q in) to the pond and flow out (Q out) of the pond. It also shows the depth of water in the pond above the spillway elevation.

MEMORANDUM
October 16, 2009
Page Two

The table shows that during a storm event the peak flow rate out of the pond is significantly reduced by the pond and broad crested weir outlet. For example, for a 10-acre pond in Phase 2, the 100-year peak flow into the pond is 247 cfs, and the peak flow out of the pond is 35 cfs. The peak outflow of 35 cfs is less than the peak flow generated by a 1-year return interval storm without the pond (59 cfs). For a 2-acre pond, the peak outflow from the pond during a 100-year event would be about equal to the peak runoff rate from a 10-year storm event if the pond did not exist.

Please understand the same total runoff volume would flow out of the pond (assuming the pond is full) as would flow downstream if the pond did not exist. However, the peak runoff rate is significantly reduced as the runoff event is extended over a much longer time period.

The entire range of flows and pond sizes modeled resulted in flow depths at the outlet of three feet or less. The ten-foot wide broad crested weir seems to be a reasonable outlet for the proposed ponds. A typical section detail of the outlet will be added to the reclamation plans.

Also attached is a memo from PEC discussing modeling parameters.

BIG SPRINGS QUARRY												
08A39-6500 M. W. BERRY, P.E.												
15-Oct-09												
LOCATION	POND SIZE	WEIR SIZE	RETURN PERIOD	Q IN	Q OUT	DEPTH	COMMENTS					
PHASE 2	2-AC	10 FT	1 YR	49.00	18.00	0.67						
PHASE 2	2-AC	10 FT	2 YR	74.00	28.00	1.03						
PHASE 2	2-AC	10 FT	5 YR	109.00	49.00	1.46						
PHASE 2	2-AC	10 FT	10 YR	135.00	64.00	1.79						
PHASE 2	2-AC	10 FT	25 YR	171.00	88.00	2.22						
PHASE 2	2-AC	10 FT	100 YR	235.00	133.00	2.93						
PHASE 2	10-AC	10 FT	1 YR	59.00	7.00	0.25						
PHASE 2	10-AC	10 FT	2 YR	84.00	10.00	0.37						
PHASE 2	10-AC	10 FT	5 YR	120.00	15.00	0.54						
PHASE 2	10-AC	10 FT	10 YR	147.00	18.00	0.68						
PHASE 2	10-AC	10 FT	25 YR	184.00	23.00	0.86						
PHASE 2	10-AC	10 FT	100 YR	247.00	35.00	1.17						
PHASE 3 (E)	2-AC	10 FT	1 YR	45.00	17.00	0.64						
PHASE 3 (E)	2-AC	10 FT	2 YR	67.00	26.00	0.98						
PHASE 3 (E)	2-AC	10 FT	5 YR	97.00	46.00	1.39						
PHASE 3 (E)	2-AC	10 FT	10 YR	121.00	61.00	1.71						
PHASE 3 (E)	2-AC	10 FT	25 YR	154.00	82.00	2.12						
PHASE 3 (E)	2-AC	10 FT	100 YR	213.00	123.00	2.78						
PHASE 3 (E)	18-AC	10 FT	1 YR	64.00	5.00	0.20						
PHASE 3 (E)	18-AC	10 FT	2 YR	89.00	7.00	0.27						
PHASE 3 (E)	18-AC	10 FT	5 YR	122.00	10.00	0.38						
PHASE 3 (E)	18-AC	10 FT	10 YR	148.00	13.00	0.47						
PHASE 3 (E)	18-AC	10 FT	25 YR	182.00	16.00	0.58						
PHASE 3 (E)	18-AC	10 FT	100 YR	241.00	21.00	0.78						

BIG SPRINGS QUARRY									
08A39-6500 M. W. BERRY, P.E.									
15-Oct-09									
PHASE 4	2-AC	10 FT	1 YR	35.00	15.00			0.55	
PHASE 4	2-AC	10 FT	2 YR	53.00	22.00			0.84	
PHASE 4	2-AC	10 FT	5 YR	78.00	37.00			1.22	
PHASE 4	2-AC	10 FT	10 YR	98.00	50.00			1.48	
PHASE 4	2-AC	10 FT	25 YR	125.00	67.00			1.83	
PHASE 4	2-AC	10 FT	100 YR	173.00	101.00			2.41	
PHASE 4	12-AC	10 FT	1 YR	47.00	6.00			0.21	
PHASE 4	12-AC	10 FT	2 YR	66.00	8.00			0.31	
PHASE 4	12-AC	10 FT	5 YR	93.00	12.00			0.44	
PHASE 4	12-AC	10 FT	10 YR	114.00	14.00			0.54	
PHASE 4	12-AC	10 FT	25 YR	141.00	18.00			0.67	
PHASE 4	12-AC	10 FT	100 YR	190.00	25.00			0.92	
PHASE 3 (W)	2-AC	10 FT	1 YR	45.00	17.00			0.64	
PHASE 3 (W)	2-AC	10 FT	2 YR	67.00	26.00			0.98	
PHASE 3 (W)	2-AC	10 FT	5 YR	97.00	46.00			1.39	
PHASE 3 (W)	2-AC	10 FT	10 YR	121.00	61.00			1.71	
PHASE 3 (W)	2-AC	10 FT	25 YR	154.00	82.00			2.12	
PHASE 3 (W)	2-AC	10 FT	100 YR	213.00	123.00			2.78	
PHASE 3 (W)	18-AC	10 FT	1 YR	64.00	5.00			0.20	
PHASE 3 (W)	18-AC	10 FT	2 YR	89.00	7.00			0.27	
PHASE 3 (W)	18-AC	10 FT	5 YR	122.00	10.00			0.38	
PHASE 3 (W)	18-AC	10 FT	10 YR	148.00	13.00			0.47	
PHASE 3 (W)	18-AC	10 FT	25 YR	182.00	16.00			0.58	
PHASE 3 (W)	18-AC	10 FT	100 YR	241.00	21.00			0.78	



MEMO

TO: Keith Browning, P.E.
County Engineer
1242 Massachusetts
Lawrence, KS 66044

FROM: Michael W, Berry, P.E.

PROJECT: Big Springs Quarry Reclamation Plan

REFERENCE: Pond Spillway Analysis

PROJECT NO.: 08A39-000-6500

COPIES TO: Eric Bettis; John Hutton

PLEASE ADVISE IMMEDIATELY OF ANY MISCONCEPTIONS OR OMISSIONS YOU BELIEVE TO BE CONTAINED HEREIN.

This memorandum for the Big Springs Quarry is written to evaluate the potential outfall spillway characteristics of lakes that may be reclaimed during the reclamation process.

POND CHARACTERISTICS

A reclaimed pond has been proposed in several locations on the quarry. Each of these ponds is variable in size, depending upon the nature of the geologic strata that will be excavated. The ponds may range in size up to 40% of the disturbed area in a given watershed.

For this analysis, a series of stage-storage tables were generated for ponds from 2 acres to 20 acres in size, in increments of 2 acres. Each pond was assumed to be square and having 3:1 side slopes. Elevation, surface area and volumes calculations were tabulated.

WEIR CHARACTERISTICS

A trapezoidal overflow spillway having 3:1 side slopes is proposed for each pond. The spillway will be lined with 24-inch thickness of shot rock, with a minimum of ten feet of channel protection in the direction of flow. Weir capacity was calculated using the weir equation $Q=CLH^{1.5}$. Weir coefficients were taken from King's handbook of Hydraulics for a broad crested weir. For this analysis, a series of stage-discharge tables were generated for weirs from 2 feet to 20 feet in length, in increments of 2 feet. Elevation and discharge were tabulated.

HYDROLOGIC METHOD

The Soil Conservation Service TR-55 Manual (first edition) is being used in this analysis. In recognition of the predominance of Type D soils, a runoff curve number of 80 is used for reclaimed pasture land, and a curve number of 98 for the area encompassed by the pond. A composite curve number is computed for each watershed.

Rainfall depths for 24-hour duration are taken from Table A-1 in the City of Lawrence Stormwater Management Criteria Manual. Return periods of 1, 2, 5, 10, 25, and 100 years have been analyzed. Rainfall is distributed by the Type 2 storm distribution. The computation increment is 5 minutes.

Time of concentration has been computed as the sum of sheet flow, shallow concentrated flow, and system (unimproved channel) flow in accordance with the Lawrence manual. These calculations were previously presented in a report dated July 27, 2009.

The resulting discharge flow rates were used in pond and weir analysis. Please note that no attempt has been made to calibrate this TR-55 model generated by HEC-1 with the discharge values computed by the Rational Method and published in the previous report.

HYDRAULIC ANALYSIS

To determine the affect of each pond on the storm hydrograph, the US Army Corps of Engineers HEC-1 digital watershed simulation model was used. Stage, storage, discharge relationships for each pond were entered. Runoff hydrographs were generated and then routed through the ponds.

EVALUATION OF WEIR SIZE

The proposed weir size was evaluated through a series of scenarios. Discharge values for the watersheds vary widely from watershed to watershed and based on return period. However, all flow values fall within the range of 0 to 300 cfs. Within this range, weir sizes of 2 to 20 feet were evaluated. As a result of several trials, a weir length of ten feet was selected. The entire range of flows evaluated resulted in a flow depth of three feet or less, which was considered to be reasonable in a rural agricultural setting.

EVALUATION OF POND SIZE

The ultimate size of each pond is unknown at this time. A series of scenarios were run for each watershed. Two scenarios were studied in detail: one with the largest permitted pond size in each watershed (40% of disturbed area in watershed), and one with a minimal pond size of two acres, which nearly corresponds to a 5% pond/watershed ratio in each watershed. The results of these analyses is tabulated in Table A attached.