

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, NOVEMBER 4, 2009

4:00 p.m. – County Commission Meeting

-Convene

-Proclamation for Health Department (Colleen Hill)

CONSENT AGENDA

- (1)(a) Consider approval of Commission Orders; and
- (b) Consider acquisition of row for drainage structure 20.10N-1.00E (Michael Kelly)
- (c) Consider approval of resolutions granting Cereal Malt Beverage licenses for Flamingo Enterprises and Flamingo Enterprises/The Bird of Lawrence (Clerk's Office)

REGULAR AGENDA

- (2) Executive Session on an item 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.

- (3) Lone Star Weed Discussion
- (4) Other Business
 - (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments
 - (c) Miscellaneous
 - (d) Public Comment
- (5) Adjourn

FRIDAY, NOVEMBER 6, 2009

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

WEDNESDAY, NOVEMBER 11, 2009

-Consider approval of resolutions granting Cereal Malt Beverage licenses for Clinton Marina and Clinton Submarina (Clerk's Office)

-Executive Session on an item 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.

-Consider request to create road right-of-way to extend N 800 Road to approximately 500 feet west of E 1050 Road (Keith Browning)

-Consider approval of PP-8-4-09 Preliminary Plat of Rockwall Farms Addition; 58.99 Acres; Northeast of the intersection of N 1800 Rd and E 700 Road. (Mary Miller is the Planner)

-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)

THURSDAY, NOVEMBER 12, 2009

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

MONDAY, NOVEMBER 16, 2009

-34TH Annual KAC Conference in Overland Park. (2 or more Commissioners may attend)

WEDNESDAY, NOVEMBER 18, 2009

-Notice to Township for Cereal Malt Beverage Licenses

-Lawrence/Douglas County Census Complete Count Committee activities (Ken Grotewiel/Emily Jackson)

-Executive Session on (2) two 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.

-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.



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 *KAB*
Michael D. Kelly, L.S., County Surveyor *ML*

DATE : October 29, 2009

RE : Drainage Structure Replacement; Bridge No. 20.10N – 1.00E
Acquisition of Easement; Consent agenda

A project has been designed to replace a deficient drainage structure located approximately one (1) mile northeast of Big Springs on E100 Road. Plans were developed in-house and negotiations with the pertinent landowner for permanent easement have been completed.

Construction is planned for March 2010 and will be accomplished primarily using county personnel.

To ensure the proper completion of a necessary construction project approval is recommended for the attached CONTRACT FOR HIGHWAY PURPOSES.

ACTION REQUIRED: Consent agenda approval to authorize Nancy Thellman to affix her signature to the CONTRACT FOR HIGHWAY PURPOSES for Drainage Structure No. 20.10N – 1.00E.



Structure No. 20.10N - 1.00E

General Location Map

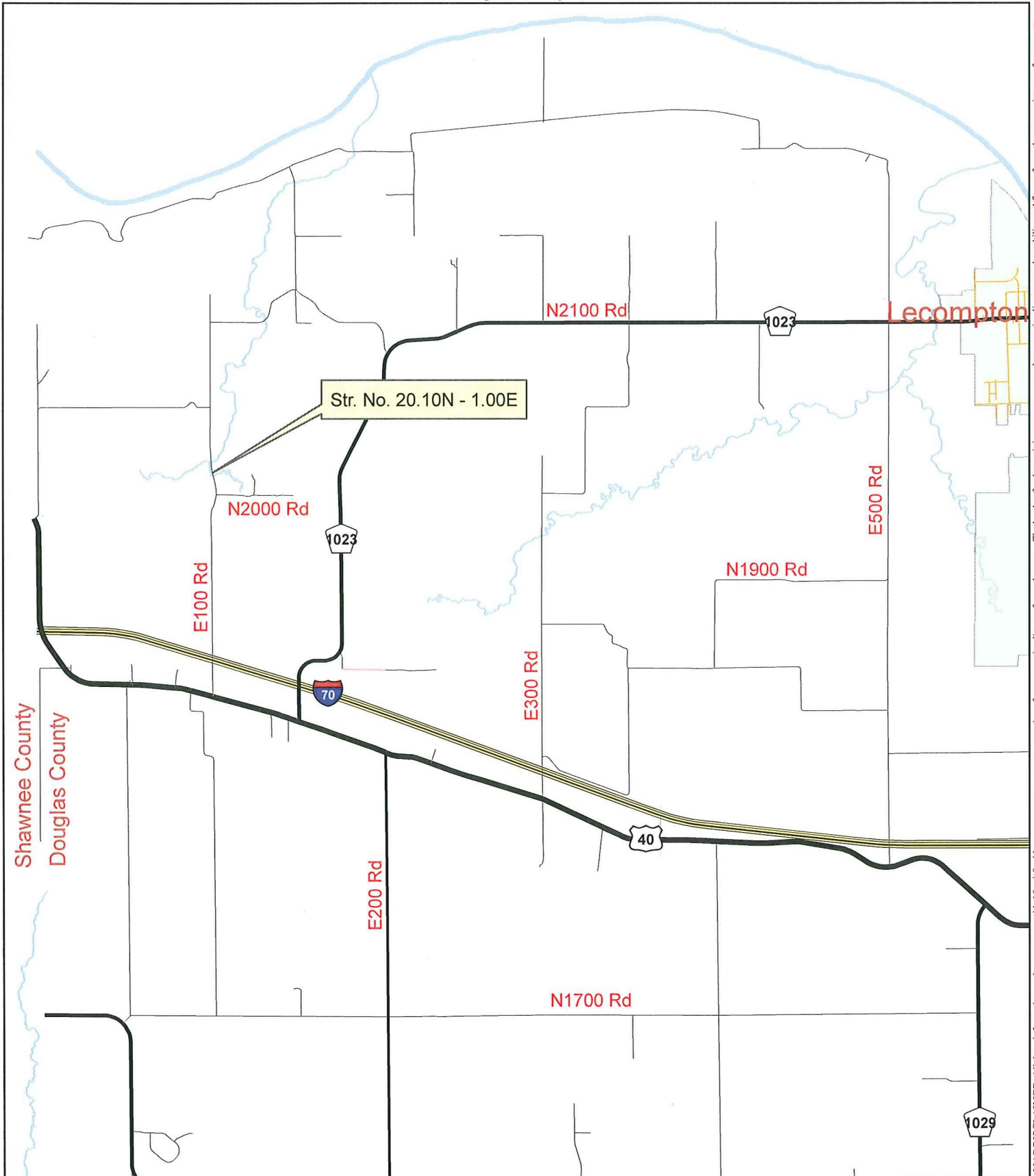
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1 inch = 4,000 feet

Date: October 29, 2009
Produced By: M. Kelly



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Structure No. 20.10N - 1.00E

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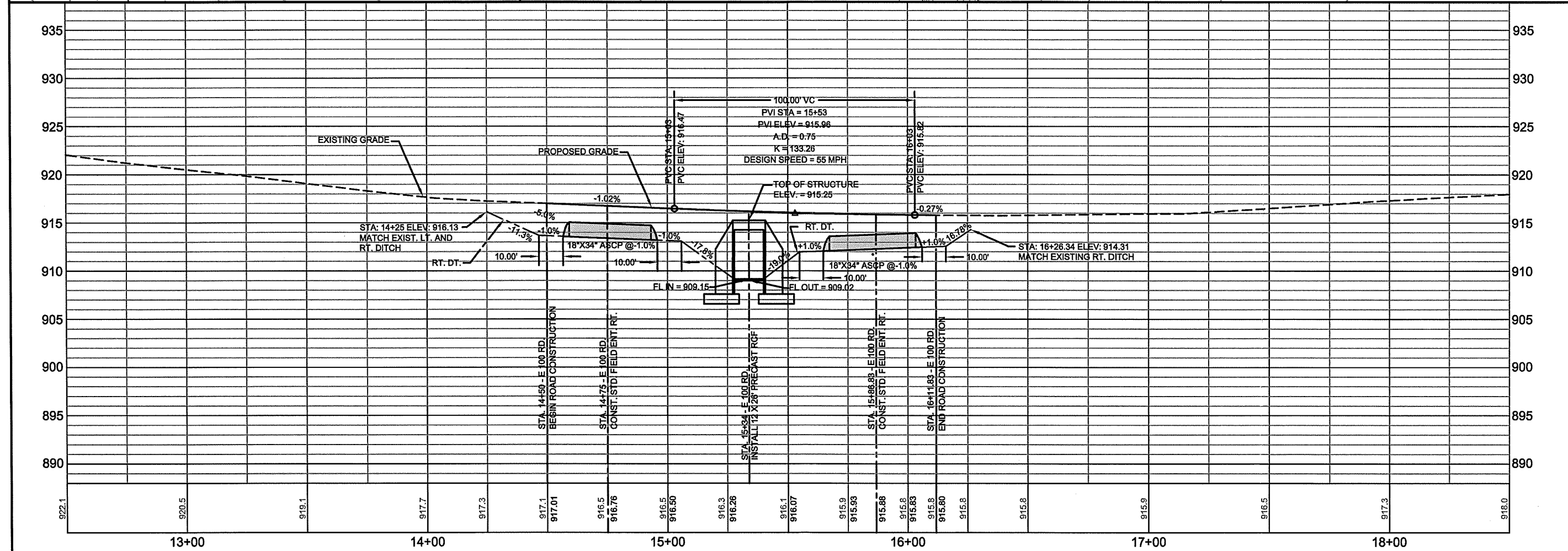
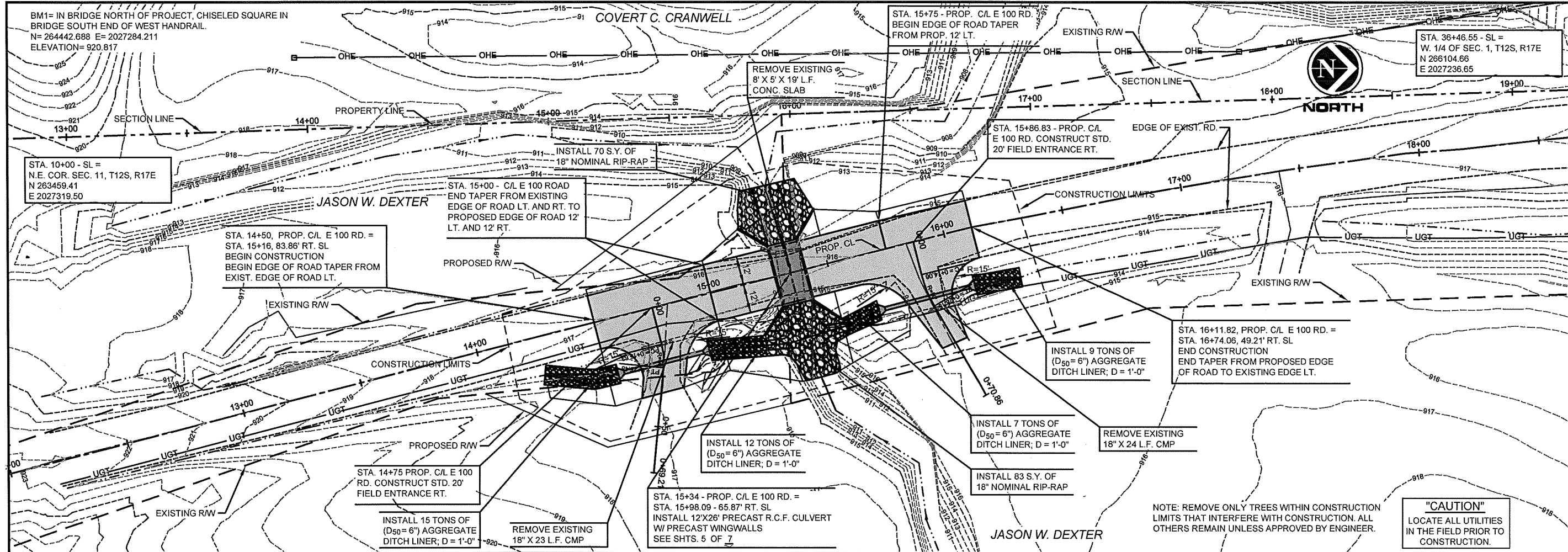


1 inch = 100 feet

Date: photo April 2006
Produced By: M. Kelly



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Douglas County Public Works
 1242 Massachusetts
 Lawrence, Kansas 66044

Project: ROAD RECONSTRUCTION AND STORM DRAINAGE
 Project No.: 2010000
 Designed By: A.S.
 Checked By: T.C.
 Drawn By: L.H.
 Date: 6/2008

PLAN AND PROFILE
 STA. 14+50 TO STA. 16+11.83
 SHEET 4 OF 7

E 100 RD. - PROJECT NO. 20100100

RESOLUTION _____

WHEREAS, on the **4th of November, 2009** the same being a regular session of the Board of County Commissioners of the County of Douglas, the application of **Flamingo Enterprises of Lawrence** for a cereal malt beverage license came up for consideration by the above board and

WHEREAS, the Board does find that said **Flamingo Enterprises of Lawrence** is qualified under the law to sell cereal malt beverages in original and unopened containers and not by consumption on the premises.

WHEREAS, the Board further finds that due and legal notice has been given the Grant Township Board and that ten days has expired from the giving of said notice and that no written objection has been filed by the Grant Township Board protesting the granting of a cereal malt beverage license.

NOW THEREFORE, BE IT RESOLVED that the applicant, **Flamingo Enterprises of Lawrence** granted a license to sell cereal malt beverage in original and unopened containers and not by consumption on the premises.

BE IT FURTHER RESOLVED, that Jameson Shew, County Clerk of Douglas County, Kansas be directed to issue said license.

Chairman

Member

Member

ATTEST:

Jameson Shew, Douglas County Clerk

KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIME

RETAIL

Fee \$75.00

NO.

DEALER'S 2010 LICENSE

TO ALL WHOM IT MAY CONCERN:

License is hereby granted to: **FLAMINGO ENTERPRISES**

TO SELL CEREAL MALT BEVERAGES AT RETAIL FOR SALE IN ORIGINAL AND UNOPENED
CONTAINERS AND NOT FOR CONSUMPTION ON PREMISES

(State if for consumption on the premises or for sale in original and unopened containers and not for consumption on premises)

Application therefore on file in the office of the County Clerk of Douglas County, having been approved by the governing body of said County, as provided by Laws of Kansas and the regulations of the board of County Commissioners.

This License will expire 12:00 midnight December 31, 2010 unless sooner revoked, is not transferable, nor will any refund be allowed thereon.

Done by the Board of County Commissioners of Douglas County, Kansas

This 4th Day of November 2009

Attest: _____
County Clerk

Chairman

RESOLUTION _____

WHEREAS, on the **4th of October, 2009** the same being a regular session of the Board of County Commissioners of the County of Douglas, the application of **Flamingo Enterprises/The Bird of Lawrence** for a cereal malt beverage license came up for consideration by the above board and

WHEREAS, the Board does find that said **Flamingo Enterprises/The Bird of Lawrence** is qualified under the law to sell cereal malt beverages for consumption on the premises located: **1626 E 1550 Rd, Lawrence, KS**

WHEREAS, the Board further finds that due and legal notice has been given the Grant Township Board and that ten days has expired from the giving of said notice and that no written objection has been filed by the Grant Township Board protesting the granting of a cereal malt beverage license.

NOW THEREFORE, BE IT RESOLVED that the applicant, **Flamingo Enterprises/The Bird of Lawrence** granted a license to sell cereal malt beverages for consumption on the premises located: **1626 E 1550 Rd, Lawrence, KS**

BE IT FURTHER RESOLVED, that Jameson Shew, County Clerk of Douglas County, Kansas be directed to issue said license.

Chairman

Member

Member

ATTEST:

Jameson Shew, Douglas County Clerk

KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIME

RETAIL

Fee \$125.00

NO.

DEALER'S 2010 LICENSE

TO ALL WHOM IT MAY CONCERN:

License is hereby granted to: **FLAMINGO ENTERPRISES/THE BIRD OF LAWRENCE**

TO SELL CEREAL MALT BEVERAGES AT RETAIL FOR CONSUMPTION ON PREMISES

(State if for consumption on the premises, or for sale in original and unopened containers and not for consumption on premises)
1626 E 1550 RD, LAWRENCE, KS. Application therefore on file in the office of the County Clerk of Douglas County, having been approved by the governing body of said County, as provided by Laws of Kansas and the regulations of the board of County Commissioners.

This License will expire 12:00 midnight December 31, 2010 unless sooner revoked, is not transferable, nor will any refund be allowed thereon.

Done by the Board of County Commissioners of Douglas County, Kansas

This 4th Day of November 2009

Attest: _____
County Clerk

Chairman



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Keith A. B
Director of Public Works

3

MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *KAB*
Mike Perkins, Operations Division Manager

Date : October 29, 2009

Re : Discuss Treatment of Vegetation in Lone Star Lake

In the past several years (2009 excluded), the BOCC has approved our treating a submerged vegetation called curly leaf pondweed with herbicide. This vegetation is prolific in the spring of the year, and interferes with use of the lake around cabin owners' docks. Per the recommendation of Richard Sanders, fisheries biologist with Kansas Department of Wildlife & Parks (KDWP), we did not treat the vegetation this past summer. During discussions earlier this spring, the BOCC requested further discussion of this issue this fall.

When we have treated this vegetation in the past, we have used a herbicide called Aquathol K. Some have questioned the utility of treating this vegetation since it tends to die off when water temperatures increase in June. They also question the affect of the treatment on the long-term environmental health of the lake and its fish.

KDWP manages the Lone Star Lake fishery as part of an agreement with Douglas County. We rely on their expertise for all issues related to the lake's fish population. Prior to herbicide application we consult with Richard Sanders to view the vegetation and get his opinion whether or not treating the vegetation would hurt the fish population.

Following the discussion earlier this spring, we also consulted with Richard Ziesenis of the Lawrence-Douglas County Health Department about health concerns with chemical applications to the lake. We also discussed whether there are other more favorable chemical options available to treat the curly leaf pondweed.

This agenda item is to discuss our past practices and any alternative practices for treating curly leaf pondweed. Desirably, a decision will be reached whether this department should continue the practice of treating the pondweed with herbicide.

Action Required: Discuss alternative treatments for curly leaf pondweed, and determine whether this department should continue to treat curly leaf pondweed in Lone Star Lake.

Management Options for Curlyleaf Pondweed (*Potamogeton crispus*) at Lonestar Lake

By

Richard Sanders

October 30, 2009

Curlyleaf pondweed is a cool season exotic aquatic species. It was introduced into the United States from Eurasia at least 150 years ago. This species begins growing in the fall when water temperatures cool and plants continue growing through May. Once water temperatures warm, curlyleaf pondweed begins to die –off, usually completing this phase during the first or second week in June. During the growing season, plants can colonize areas from the shoreline to a depth of 12 feet. Curlyleaf pondweed is rooted to the bottom. Seed production occurs in late April or early May. Primary propagation occurs from dormant apices (burr-like structures having 3-7 small leaves) found near leaf bases. Dormant apices form in late spring and germinate in the fall.

Aquatic vegetation supplies several benefits for aquatic communities including: producing oxygen, maintaining enhanced water clarity by holding bottom sediments in place with root structure, reducing shoreline erosion through wave dampening, mechanically filtering sediments, and removing some water soluble components from fertilizers and pesticides. In addition, some wildlife utilizes aquatic vegetation for food and habitat. For the purposes of this paper, only fisheries benefits are described. Aquatic vegetation can supply nursery habitat for young fish, provide hiding spaces from predators. Vegetation provides substrate for food item organisms (e.g. snails, aquatic insects, etc.) and food for some fish prey (e.g. crayfish). Some important sportfish such as bluegill, redear sunfish, crappie, and largemouth bass select areas with aquatic vegetation for spawning, because of the protection that it provides during the spawning process.

Curlyleaf pondweed can produce impressive stands and may interfere temporarily with recreational activities including fishing, boating, and swimming. At what point is control necessary? That depends on one's point of view. Anglers usually will co-exist with curlyleaf pondweed knowing that better fishing results from high quality habitat. Angling techniques may have to be altered to allow fishing in and around vegetation. Boaters can normally travel through curlyleaf pondweed stands by trimming outboard motor up to where the prop is near the surface allowing it to cut through vegetation. Sail, paddle or oar powered vessels may have more difficulty getting through vegetation. Swimmers could navigate through sparse stands of vegetation, but dense stands would prove difficult.

Aquatic vegetation control options fit under three general categories; biological, mechanical, and chemical. Grass carp (*Ctenopharyngodon idella*) are the biological option and work well on many species of rooted vegetation in situations where general control is desired. However, this option would not be the best technique at Lonestar where control areas are discreet. The aquatic community at Lonestar may be facing a new challenge, as fall test netting during October of this year indicated a substantial increase in common carp. Common carp affect aquatic plants by feeding directly on some species, by uprooting, and by stirring bottom sediments which decrease plant growth by shading. Middle Creek State Fishing Lake had expansive stands of aquatic vegetation and excellent fisheries prior to 1993. High run-off events in 1993 allowed common carp to invade and establish a sizeable population, essentially decreasing water clarity to the point that submersed aquatic vegetation became non-existent and the fishery (especially largemouth bass) became a mere shell of what it was prior to common carp arrival. Whether or not Lonestar's fishery follows suit is unknown, as common carp frequently become residents in sportfishing lakes and may not become a problem if largemouth bass are able to maintain a population sufficient to control carp. Since Lonestar's largemouth bass population has largemouth bass virus (detected in 2008), the bass population will likely decline as the disease runs its course over the next 2-3 years. Decline of the bass population would allow higher survival of common carp which would likely result in a decline in aquatic vegetation.

Mechanical removal of vegetation can be a viable option, especially on a temporary basis. Plants are cut, raked, or pulled by hand or with equipment. Boat-mounted harvesters, individuals with various cutters, chain pulled between vehicles all can cut/pull plants to provide some control. An interesting web site, www.WeedersDigest.com, has many different options for weed control. Some items include: double edged serrated weed cutter with 11' handle-\$89, long reach lake rake with 11' handle and 20' rope-\$89, weed shear (another manual cutter)-\$129, aquatic vegetation groomer (weed eater powered) 9" cutter head without floats - \$625, with floating apparatus and long handle - \$1495, pond and lake weed mower - \$2595, weed roller (21' of rollers attaches to dock) rotates around dock in 270 degree arc, rolls on bottom to keep vegetation from growing, powered by electricity-\$3150. Black plastic sheeting (8 millimeters thick) can be placed in problem areas to maintain vegetation free zones. Sheeting is floated on the surface, and then weighted to hold in place, several small slits should be cut into plastic to allow gas to escape. A pond liner source listed cost at 0.55/square foot, with sections up to 208 X 208 foot. Regular heavy plastic sheeting likely would be cheaper than a production pond liner.

Chemical treatment can be used to control curlyleaf pondweed. Reward, Aquathol K, Hydrothol 191, are contact herbicides that kill curlyleaf pondweed quickly. Hydrothol 191 is not recommended due to higher levels of fish kills associated with applications. Reward contains diquat dibromide and the label indicates that it is toxic to aquatic invertebrates, therefore it is not recommended. Aquathol K, active ingredient dipotassium salt of endothall, was Federally Registered as an aquatic herbicide in 1955. Use restrictions associated with Aquathol K include: no swimming for 24 hrs, no water consumption by humans or livestock for 7-14 days, no fish consumption for 3 days after treatment in treated areas. Water volumes around zones of cabin owner docks were calculated in May 2006. Number of total gallons of Aquathol K needed to treat all zones is 28.2 (based on 1.5 PPM concentration, spot treatment concentration recommendation is 1.5-3 PPM). Four sources of Aquathol K listed prices ranging from

\$ 215 to \$ 274.99/2.5 gallon container. Cost to treat all zones based on \$ 215/2.5 gallon = 12 containers (30 gallons) X \$ 215 = \$2, 580. Treatments are most effective when plants are actively growing and growth is close to the surface, due to spray application, this generally occurs around the first of May. Some literature indicates that endothall (active ingredient in Aquathol K) works best when water temperatures are 65 or greater, which should occur around the end of April or beginning of May.

The decision to control curlyleaf pondweed depends upon what is the goal. Obviously if the goal is to manage dock areas for fishing little control is necessary. Anglers can deal with vegetation until it naturally dies-off, except possibly in areas where vegetation is very dense (upper end of cove). In dense areas some control may be necessary. If the goal is to allow boats to utilize docks, then little control is necessary if dock user is using an outboard powered craft. Some control may be necessary around docks utilized by sail or paddle/oar vessel. Areas that have to be clear of all vegetation, for example swimming areas would require the most control. However, a swimming beach is provided at the lake for all users and the necessity of providing individual swimming areas may not be a high priority, especially since curlyleaf pondweed dies-off before most of the high use swimming period (i.e. June-August).