

# BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

## Amended Agenda

### WEDNESDAY, FEBRUARY 24, 2010

-4:00 p.m. – County Commission Meeting

-Convene

### CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders; and
- (b) Consent Agenda Approval of Bids for Noxious Weed Herbicides (Keith Browning)

### REGULAR AGENDA

- (2) Consider proposal from District Attorney for the establishment of a Property Crimes Compensation Board (Charles Branson)
- (3) Consider authorization to submit application for Second Chance Grant from the federal government for jail transition services. (Sheriff McGovern)
- (4) Consider approval of contract for Hazardous Material Full Scale Exercise (Jackie Waggoner)
- (5) Update on Fixed Fuel contracts (Jackie Waggoner/Mike Perkins)
- (6) Consider approval of proposed exterior Courthouse campus lighting replacement (Bill Bell/Gabe Engeland)
- (7) Other Business
  - (a) Consider approval of Accounts Payable (if necessary)
  - (b) Appointments
  - (c) Miscellaneous
  - (d) Public Comment

RECESS UNTIL 6:35 P.M.

- (8) Receive briefing on concept phase study to extend 31<sup>st</sup> Street from O'Connell Road (E 1600 Rd) to Route 1057 (Keith Browning)
- (9) Consider removal of a condition for CUP-2-4-07 for First United Methodist Church at 867 Hwy 40 (Sheila Stogsdill)
- (10) Adjourn

### THURSDAY, FEBRUARY 25, 2010

9:00 a.m. to 3:00 p.m. – Planning Work Session in City Commission Room at City Hall.

### WEDNESDAY, MARCH 3, 2010 – Light Meeting

### WEDNESDAY, MARCH 10, 2010

- Consider approval of a joint resolution with the City of Lawrence to amend Joint Resolution No. 1957 and repealing joint resolution No. 86-26 changing the number of members of the Lawrence-Douglas County Health Board and making other miscellaneous changes (Craig Weinaug)
- Discussion of request for a Douglas County Noise Ordinance (Craig Weinaug)
- Public Hearing on Tenants to Homeowners purchase of County owned property located in the 1100 block of Rhode Island (Craig Weinaug)
- Census update (Emily Jackson)

**WEDNESDAY, MARCH 17, 2010 – Light Meeting**

**WEDNESDAY, MARCH 24, 2010**

-Census update (Emily Jackson)

**WEDNESDAY, MARCH 31, 2010**

**WEDNESDAY, APRIL 7, 2010**

6-8 p.m. – VIP Open House for new Healthcare Access location at 330 Maine, Lawrence.

**THURSDAY, APRIL 8, 2010**

4:30 p.m. – Public open house and Chamber ribbon cutting for Healthcare Access location at 330 Maine, Lawrence.

*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.*

**MEMORANDUM**

To : Board of County Commissioners  
From : Keith A. Browning, P.E., Director of Public Works/County Engineer  
Date : February 15, 2010  
Re : Consent Agenda Approval of Bids for Noxious Weed Herbicides

Bids were opened on February 11, 2010 for the supply of herbicides to treat noxious weeds. These herbicides are for supply to private landowners (at 75% of the county's cost plus shipping and handling) and for treating noxious weeds on county owned or maintained land. Bids were received from nine (9) suppliers, as shown on the attached bid tabulation.

The low bids are as follows:

<u>Herbicide</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Total Cost</u>	<u>Vendor</u>
Glyphosate	600 gal.	\$10.70	\$ 6,420.00	J B Pearl
Remedy	40 gal.	\$52.58	\$ 2,103.20	Lone Pine
PastureGard	450 gal.	\$43.54	\$19,593.00	Lone Pine
2, 4-D (Amine)	900 gal.	\$10.40	\$ 9,360.00	J B Pearl
Picloram 22K	450 gal.	\$46.00	\$20,700.00	J B Pearl

Action Required: Consent Agenda acceptance of the low bid from suppliers noted above.

BID TAB FOR HERBICIDES															
Bid No. 10-F-0003 - Bid Opening Date Feb. 11, 2010															
VENDOR															
	Qty/ Gal	\$/Gal.	Glyphosate	Qty/ Gal	\$/Gal.	Remedy	Qty/ Gal	\$/Gal.	PastureGard	Qty/ Gal	\$/Gal.	2,4-D Amine	Qty/ Gal	\$/Gal.	Picloram 22 K
V M Distribution	600	\$11.35	\$ 6,810.00	40	\$ 62.50	\$ 2,500.00	450	\$ 49.95	\$ 22,477.50	900	\$ 11.55	\$ 10,395.00	450	\$ 47.00	\$ 21,150.00
Van Diest	600	\$10.73	\$ 6,438.00	40	\$62.64	\$ 2,505.60	450	\$ 46.74	\$ 21,033.00	900	\$ 11.09	\$ 9,981.00	450	\$48.39	\$ 21,775.50
McGraw	600	\$11.85	\$ 7,110.00	40	\$ 58.59	\$ 2,343.60	450	\$ 48.51	\$ 21,829.50	900	\$ 11.13	\$ 10,017.00	450	\$ 49.00	\$ 22,050.00
DeAngelo Brothers	600	\$12.00	\$ 7,200.00	40	No Bid		450	No Bid		900	\$ 14.08	\$ 12,672.00	450	\$71.30	\$ 32,085.00
J B Pearl	600	\$10.70	\$ 6,420.00	40	\$ 54.00	\$ 2,160.00	450	\$ 45.00	\$ 20,250.00	900	\$ 10.40	\$ 9,360.00	450	\$ 46.00	\$ 20,700.00
Red River	600	\$11.90	\$ 7,140.00	40	\$67.00	\$ 2,680.00	450	\$ 53.20	\$ 23,940.00	900	\$ 12.00	\$ 10,800.00	450	\$53.00	\$ 23,850.00
CPS	600	\$12.50	\$ 7,500.00	40	\$ 67.49	\$ 2,699.60	450	\$ 49.55	\$ 22,297.50	900	\$ 10.85	\$ 9,765.00	450	\$ 47.50	\$ 21,375.00
Lone Pine Ag. Serv.	600	\$10.87	\$ 6,522.00	40	\$52.58	\$ 2,103.20	450	\$ 43.54	\$ 19,593.00	900	\$ 10.66	\$ 9,594.00	450	\$46.92	\$ 21,114.00
Grass Pad	600	\$11.48	\$ 6,888.00	40	No Bid		450	No Bid		900	\$ 13.24	\$ 11,916.00	450	\$ 53.89	\$ 24,250.50
Director of Public Works: Keith A. Browning															
County Clerk: Jamie Shew															
Dated: 02/11/10															
By: Rita Fulks															
By: Keith Campbell															

MEMORANDUM

TO:DOUGLAS COUNTY COMMISSIONERS

FROM:CHARLES BRANSON

DATE:FEBRUARY 19, 2010

RE:CREATION OF A DOUGLAS COUNTY PROPERTY CRIMES COMPENSATION BOARD

I will be speaking with all of you on the 24th of this month and respectfully requesting you adopt my proposal to have a Douglas County Property Crimes Compensation Board appointed and this board be permitted to begin managing a Douglas County Property Crimes Compensation Fund.

Kansas Statute (K.S.A. 19-4803) has allowed for the creation of a property crimes compensation board since 1990. Douglas County will be the first county to create a board based on this statute. We would set a benchmark for other Kansas counties to strive for.

Through a written application process coordinated through my office, the Board would assist victims with actual out of pocket loss associated with a criminal act. Any possible restitution paid by the Board would be statutorily capped at \$250 for misdemeanor crimes and \$500 for felony crimes. While it would be financially impossible to assist every victim with every expense, it will be the task of the Board to be effective and efficient stewards of the available funds.

I believe the service the Board would provide to the citizens of Douglas County would be invaluable. Victims of property crimes would have the opportunity, for example, to have glass replaced in a vehicle or an exterior door replaced on a home. Many folks do not have any personal savings to take care of these fundamental items.

Memorandum to Commissioners

The creation of a Douglas County Property Crimes Compensation Board would not change or lower the amount of restitution the State would ask the Court to order a defendant to pay; instead the Board would in effect advance a portion of the restitution to the victim. Every attempt would then be made to collect that amount from the defendant through a restitution order.

I already have a staff member in place and ready to coordinate the Board. This staff member would also work with the Board to create rules and protocol to conduct business pursuant to the statute.

Thank you for your time and consideration of this project. My staff and I look forward to the necessary work to create this new and important service to our community

Charles E. Branson  
District Attorney  
Douglas County Kansas  
111 East 11th Street  
Lawrence, Kansas 66044-2909  
PH: (785) 841-0211  
FAX: (785) 832-8202  
<http://www.dgcoda.com>

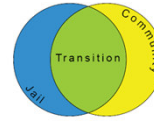
# Douglas County Sheriff's Office

## Corrections Division Reentry Program

Shannon Murphy, Director

3601 E. 25<sup>th</sup> Street  
Lawrence, KS 66046  
PH: 785.830.1001  
FX: 785.830.1085  
[smurphy@douglas-county.com](mailto:smurphy@douglas-county.com)

[www.dgso.org](http://www.dgso.org)  
[www.jailtransition.com](http://www.jailtransition.com)



### MEMORANDUM

**TO:** Douglas County Commissioners  
**FROM:** Shannon Murphy, Reentry Director  
**RE:** Second Chance Act  
**DATE:** 19<sup>th</sup> February 2010

The Sheriff's Office is requesting to submit an application for Second Chance Act grant funding. The Second Chance Act of 2007<sup>1</sup> provides a comprehensive response to the increasing number of people who are released from prison, jail, and juvenile residential facilities and returning to communities.

In 2009, 94% of DCJ inmates (more than 5,300 inmates) returned to our communities upon release, making the transition from jail to community a top priority. Seventy-five percent (more than 3,000) of inmates are released without some form of community supervision (probation or parole). This gap from the jail to the community is extensive, and costly as 43% (2,448) of the bookings were repeat arrestees (representing 910 inmates) in 2009 alone.

Thus, Second Chance Act funding would provide for costs to develop 2 Reentry Case Manager positions to initiate pre-release assessment and linkages to the community, and conduct supportive post-release case management services up to 12 months post-release. Second Chance costs include staff start up costs, such as equipment (vehicle, computers and printers), trainings and certifications and evaluation costs to the University of Kansas' School of Social Welfare (databases and outcome measurements that we will maintain for evaluative purposes post-grant). The County match (25%) would secure the salary and benefits for the 2 full-time positions, positions we recommend sustaining post-grant.

Second Chance is in its second year of federal allocation, with the potential for three more years of funding.

We look forward to moving our initiative into post-release community management in order to reduce recidivism through our mission of providing efficient and effective public safety services.

Thank you.

A handwritten signature in cursive script, appearing to read 'Shannon Murphy'.

<sup>1</sup> See Public Law 110-199 at [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110\\_cong\\_public\\_laws&docid=f:publ199.110.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_public_laws&docid=f:publ199.110.pdf).

#### **REENTRY MISSION-**

*TO ENHANCE PUBLIC SAFETY BY BRINGING TOGETHER THE PUBLIC & PRIVATE RESOURCES OF DOUGLAS COUNTY TO HELP EX-OFFENDERS SUCCESSFULLY RE-ENTER THEIR NEIGHBORHOODS AS ACCOUNTABLE, SELF-SUFFICIENT & LAW-ABIDING CITIZENS.*

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

FROM: Jackie Waggoner, Purchasing Director  
Division of Purchasing

SUBJECT: Consider Contract for Hazardous Materials Full Scale Exercise

DATE: February 18, 2010

Emergency Management has received a \$40,000 grant to conduct a hazardous material full scale exercise. The exercise scenario will simulate an incident that may affect available resources from Douglas County, including Baldwin City, Eudora, Lawrence, Lecompton and all townships and unincorporated areas.

We solicited proposals from qualified contractors to plan and develop the exercise. Once a contract has been established, a designated team of contractors and staff will design and develop a realistic scenario that will effectively test our Emergency Operations Plan. In this process measureable objectives will be created based on the needs identified. The assumption for the exercise is that each participant will take part in a one day scenario-based event which has a countywide impact, but is contained to one physical area and one physical EOC venue. The following two proposals were submitted:

Ascentra	\$40,000
State & Local Emergency Management Consultants, LLC	\$48,800

Our evaluating committee (Alexandria Norman, Emergency Management; Mike Russell, KU Director of Environmental Health & Safety and Chair of our Local Emergency Planning Committee; and I) interviewed Ascentra and was confident in their approach and experience. In our discussion we talked about how the design would structure the scope of the project. Since there are unknown variables, we asked that our contract be established with a not-to-exceed cost of \$40,000.

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

**RECOMMENDATION:** The Board of County Commissioners consider the approval of a contract with a cost not-to-exceed \$40,000 with Ascentra for the development of a hazardous materials full scale exercise.

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

FROM: Jackie Waggoner, Purchasing Director  
Division of Purchasing

SUBJECT: Update on Fixed Fuel Contracts

DATE: February 17, 2010

Back in November 2009, I brought a summary to the Board of the previous year's fuel contracts. As you may recall, fifty percent of our fuel (both diesel and unleaded) was purchased under our contract which is established as a fixed mark-up over the daily OPIS (Oil Price Index Survey), and fifty percent on fixed contracts.

While the unleaded cost had produced a cost savings of \$8,380 over the OPIS contract, the diesel produced an additional cost of \$18,914, leaving us with an average cost increase of \$10,534. Although there was an increase to the County, following discussion we concluded that the fixed price contract provides a way to budget our fuel cost and statistically may offer cost savings. The Board authorized staff to consider 2010 fixed price contracts for unleaded and diesel fuels. If we determined it to be advantageous to participate, approval was given to commit up to fifty percent of our volumes.

Mike Perkins and I reviewed the fixed price contract and determined it to be beneficial for us to participate. The table below provides details of our fixed price contracts:

Period Begins	Base Price + Mark Up (12.5 cents)	Gallons Contracted	OPIS Cost – January Average (includes mark-up & freight)
<b>UNLEADED FUEL</b>			
January 1	2.31	-0-	2.1274
April 1	2.31	7,500	
July 1	2.291	14,520	
October 1	2.253	14,520	
<b>DIESEL FUEL</b>			
January 1	2.169	-0-	2.1574
April 1	2.283	9,700	
July 1	2.354	9,000	
October 1	2.421	10,500	

We were unable to compare to last year's cost since the market has changed significantly. As you can see in the table, we compared the fixed cost with our January's average OPIS cost. Looking at the cost differences between the highest fixed cost and our OPIS average, the unleaded reflects a \$0.1826 increase and diesel reflects a \$0.1966 increase with the fixed cost. We believe this approach protects us against fuel spikes typically impacted by global events.

At the end of the contract I will again bring information back to the Board identifying the results for the purpose of discussing future participation. Mike and I will be at the meeting to answer any question you may have.





## 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

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### MEMORANDUM

To : Board of County Commissioners

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

Date : February 17, 2010

Re : Briefing on study to extend 31<sup>st</sup> Street from O'Connell Road (E 1600 Rd) to Route 1057

#### History

The City and County partnered on a study of 31<sup>st</sup> Street in 2003 in which a corridor and several alignments were identified between Haskell Avenue and Route 1057. The 2003 study concluded an improved 31<sup>st</sup> Street will be needed to carry projected future traffic whether or not the SLT is completed.

In early 2008, the City of Lawrence contracted with Wilson & Co. consulting engineers to study and complete concept phase plans for extending 31<sup>st</sup> Street from Haskell Avenue to O'Connell Road. The City's cost for concept phase services was \$219,330, and the City used an \$800,000 federal earmark to fund these costs. On March 24, 2008 the BOCC was briefed on the status of the 31<sup>st</sup> Street, Haskell to O'Connell, project. In addition to the Haskell-to-O'Connell section, the BOCC also discussed 31<sup>st</sup> Street from O'Connell (E 1600 Road) to Route 1057 (E 1900 Road).

During the March 24, 2008 discussion, the BOCC expressed their feeling that further study of 31<sup>st</sup> Street east of O'Connell Road to Route 1057 is needed. The BOCC felt it prudent to consider the entire extension of 31<sup>st</sup> Street from Haskell Avenue to Route 1057 in order to ensure improvements in the Haskell-to-O'Connell segment mesh with desired improvements east of O'Connell. The BOCC identified the need to determine a recommended alignment and identify the required right-of-way needed in order to preserve the corridor, as possible, through the planning process. The BOCC also felt early identification of a recommended alignment would allow the public and property owners along the alignment to be involved early in the process so that conclusions could be reached and accepted by the public.

Following that meeting, negotiations ensued with the City of Lawrence and Wilson & Co. to expand the study to include the O'Connell-to-Route 1057 segment of a 31<sup>st</sup> Street extension. The not-to-exceed cost to study the O'Connell-to-Route 1057 segment was set at \$216,600. The City agreed to pay \$10,000 of the expanded study with Douglas County paying the remaining \$206,600. Douglas County contracted with Wilson & Co. in September 2008 for concept phase services for the extension of 31<sup>st</sup> Street from O'Connell Road to Route 1057.

The City established a steering committee for the entire Haskell-to-Route 1057 extension of 31<sup>st</sup> Street, which consisted of the following members:

Prairie Park Neighborhood	Paul Phelps
Save The Wakarusa Wetlands	Michael Caron
Haskell University Representative	Vacant
Bicycle Advisory Committee	Eric Struckoff
Representatives for businesses at 31 <sup>st</sup> & Haskell	Steve Glass
Representative for residents east of O'Connell along N. 1300 Rd. (31 <sup>st</sup> Street)	Karen Heeb
Planning Commission	Brad Finkeldei
City Commission	Sue Hack
County Commission	Bob Johnson
Context Sensitive Knowledge	Tom Mulinazzi
Chamber of Commerce/Realtor	Beth Johnson
Kansas Department of Transportation (KDOT)	Corky Armstrong

City and County staff participating in the Steering Committee meetings:

Keith Browning	Douglas County Public Works Director
Charles F. Soules	Director of Public Works, City of Lawrence
Scott McCullough	Director of Planning
Todd Girdler	Transportation Planner
Shoeb Uddin	City Engineer
Mark Hecker	Parks & Recreation
Shelley Schupp	Department of Utilities

The following recommendations were among those developed by the Steering Committee:

- A curvilinear alignment was preferred versus a straight through street to help control speed,
- East of O'Connell the new alignment should be north of existing 31<sup>st</sup> Street to E 1700 Road. The existing 31<sup>st</sup> Street (N 1300 Rd.) would remain as a frontage road for the adjacent residents,
- Design speed of 45 mph,
- From Haskell Avenue east to the end of the existing commercial/industrial area 3-4 lanes with curb and gutter, storm sewer, and sidewalks on both sides,
- Continuing east initially two 11' lanes with shoulder and median, multi-use path on north side ties into Prairie Park, open ditches/bio-swales for natural drainage, expandable to four lanes, right-of-way of 150' necessary,
- From 1700 Road (O'Connell) to Noria Road similar section with 12' lanes, right-of-way of 150' necessary,
- Noria Road to 1057 – undivided two lane facility. Right-of-way of 120' necessary.

The City of Lawrence approved the alignment and design speed for the Haskell-to-O'Connell segment in December 2008. Wilson & Co. then finalized concept phase design for the City of Lawrence portion of the study. In April 2009, the City contracted with Wilson & Co. for final design of the Haskell-to-O'Connell segment. Since there was a federal earmark of \$800,000 for this segment, KDOT needed to set a target construction date for the project. The target date is 2011, however, the City has not identified adequate federal (or other) funding to construct the improvement.

In September 2009, the City and County jointly applied for TIGER funding for the extension of 31<sup>st</sup> Street from Haskell to Route 1057. TIGER ("Transportation Investment Generating Economic Recovery") funding is discretionary funding included in the American Recovery and Reinvestment Act ("ARRA"). We were not successful in obtaining TIGER funding.

#### Current Status

Wilson & Co. is finalizing the concept phase design for 31<sup>st</sup> Street from O'Connell to Route 1057. Prior to submitting deliverables required by their contract, Wilson & Co. will brief the BOCC on the study. The BOCC should provide input and direction, if any, prior to our finalizing the study.

Steering Committee members have been notified of the briefing and invited to attend.

Action Required: Following the briefing from Wilson & Co. on the concept phase study to extend 31<sup>st</sup> Street from Haskell to Route 1057, provide input and direction to staff, as appropriate.

Memorandum  
City of Lawrence  
Douglas County  
Planning & Development Services

**TO:** Craig Weinaug, County Administrator  
Douglas County Commission

**FROM:** Sheila M. Stogsdill, Assistant Director

**CC:** Scott McCullough, Director  
Keith Browning, Public Works Director  
Phil Struble, Landplan Engineering

**Date:** For February 24, 2010 County Commission meeting

**RE:** Removal of condition for CUP-2-4-07 for First United Methodist Church, 867 Hwy 40

Please place this request on a County Commission agenda for consideration.

**Background**

On May 16, 2007, the County Commission approved a Conditional Use Permit for the operation of a Child Care Center (preschool) at First United Methodist Church (FUMC) located west of K-10 on Highway 40. As part of the review of the Child Care Center proposal, KDOT reviewed the submitted traffic impact analysis (TIS) and required that improvements including a west-bound left-turn lane be made to Highway 40. [This requirement was reflected in Condition No. 2 which stated: *'Submittal and approval of a Kansas Department of Transportation permit application that includes scaled plans with details of the area from the west ramp terminus of K-10 to 300 feet west of the site's temporary driveway.'*]

Staff was asked to assist in facilitating the opening of the preschool in August 2007 and permitted the opening upon receipt of a letter from KDOT indicating the concept plan for improvements was acceptable. The applicant's engineer included the conceptual improvements to Highway 40 on the site plan that was approved and released as part of the CUP. The preschool has been operating each school year since August 2007.

**Recent Discussions**

April 2009

- Staff received inquiries from FUMC regarding what outstanding expenses there may be for future road improvements. Church representatives were exploring options to not construct the improvements at this time since there is general

agreement that any improvements may likely be removed or altered in the future as additional development occurs along the corridor.

#### May 2009

- After following up with KDOT personnel, it was determined that final plans had not been provided by the applicant's consultant to KDOT for permitting and construction.

#### June 2009

- The engineering consultant for FUMC submitted an addendum to the initial traffic impact study to KDOT for consideration to eliminate the previously required road improvements. The addendum analysis was based on actual traffic counts rather than the estimates used prior to the preschool operation.

#### September 2009

- Staff was notified that KDOT had determined that a dedicated left-turn lane at the church/preschool entrance would not be required at this time based on the applicant's revised TIS.
- The applicant's representative requested that Condition No. 2 be administratively removed following KDOT's determination.

#### October 2009

- Staff notified the applicant that the site plan should be revised and returned to the County Commission for re-approval without the public improvements shown.
- The applicant's representative indicated that they had elected to do nothing at this time, providing their opinion that Condition No. 2 was satisfied by submitting plans to KDOT.
- The Planning Director sent communication indicating that doing nothing places the CUP in violation since the CUP required the construction of the improvements for the benefit of the school use.

In Staff's opinion, the Board of County Commissioners should determine, with the input of KDOT, the County Engineer and the public, whether improvements are necessary. After discussion with Staff, the County Administrator suggested that the CUP be placed on a Commission agenda so that the condition regarding improvements to Highway 40 could be officially removed from the Conditional Use Permit approval, if determined to be appropriate.

#### **Request**

Consider re-approval of CUP-2-4-07 for a Child Care Center (preschool) at First United Methodist Church located at 867 Highway 40 subject to the following conditions:

1. Documentation of licensure of the child care center from the Kansas Department of Health and Environment. **[completed]**
2. ~~Submittal and approval of a Kansas Department of Transportation permit application that includes scaled plans with details of the area from the west ramp terminus of K-10 to 300 feet west of the site's temporary driveway.~~
3. Revision of the site plan to include the following:

- a. Revision of the child care center information to include the maximum numbers of classes, children, and teachers expected on each weekday. Information for the pre-school classes and parent's day out program should be included. **[completed]**
  - b. Addition of a note, stating that if the numbers of children or classes is increased beyond the numbers noted on the plan, the Douglas County Zoning Codes Enforcement Officer will be contacted for further instruction. **[completed]**
  - c. Addition of a note, stating that the subject CUP will expire on May 16, 2017, with an administrative review of the CUP by May 16, 2012. A new CUP application should be submitted and approved prior to May 16, 2017. **[completed]**
- 4. Provision of a revised site plan that indicates (either by deletion or note) that the previously shown improvements to Highway 40 will not be constructed.**

**Attachments**

CUP-2-4-07 site plan  
KDOT correspondence

## Applicant Response 10/19/09

**From:** Phil Struble  
**Sent:** Monday, October 19, 2009 3:49 PM  
**To:** Scott McCullough; mike amy  
**Cc:** David L. Corliss; Sheila Stogsdill; Christopher Storm; Carolyn Harden; Michael Moriarty  
**Subject:** RE: First United Methodist Church CUP

I am not sure I have the same interpretation as you. Nothing in the May 17, 2007 approval letter refers to "construction."

Condition 2 says "submittal and approval of a Kansas Department of Transportation permit application.....". The application was submitted and KDOT's response as of this summer was not approval but that the turn lane was not required at this time. It seems to me the Church has fulfilled their obligation and Condition 2 can either be removed or stay.

**Philip W. Struble, P.E.**  
President  
**Landplan Engineering, P.A.**

**From:** Scott McCullough  
**Sent:** Friday, October 16, 2009 3:08 PM  
**To:** Phil Struble; mike amy  
**Cc:** David L. Corliss; Sheila Stogsdill; Christopher Storm; Carolyn Harden; Michael Moriarty  
**Subject:** RE: First United Methodist Church CUP

Phil,

Doing nothing places the CUP in violation, as the CUP required construction of the improvements for the benefit of the school use. We will need to take action on this element of the CUP very soon. Please let me know if this information revises the owner's decision. Thanks.

**Scott McCullough, Director**  
Planning and Development Services

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**From:** Phil Struble  
**Sent:** Friday, October 16, 2009 2:09 PM  
**To:** Scott McCullough; mike amy  
**Cc:** David L. Corliss; Sheila Stogsdill; Christopher Storm; Carolyn Harden  
**Subject:** RE: First United Methodist Church CUP

Thanks for responding, we've elected to do nothing at this time.

**Philip W. Struble, P.E.**  
President  
**Landplan Engineering, P.A.**

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**From:** Sheila Stogsdill  
**Sent:** Wednesday, October 14, 2009 12:07 PM  
**To:** Phil Struble  
**Cc:** Scott McCullough  
**Subject:** First United Methodist Church CUP

Phil –

We have reviewed your request to revise the CUP and provided a suggested process in the attached letter. Let me know if you have questions.

**Sheila M. Stogsdill, Assistant Director**  
Planning & Development Services Department

## KDOT Approval 9/14/09

**From:** Scott McCullough  
**Sent:** Tuesday, September 15, 2009 9:03 AM  
**To:** Phil Struble; 'mike amyx'  
**Cc:** David L. Corliss; Sheila Stogsdill  
**Subject:** FW: Church on hwy 40  
Please see KDOT response below. This clears the way for the church to request a revision to the CUP.

**Scott McCullough**, *Director*  
Planning and Development Services

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**From:** Michael Moriarty  
**Sent:** Monday, September 14, 2009 10:20 AM  
**To:** Scott McCullough  
**Subject:** RE: Church on hwy 40

Scott – We actually met on this matter in late August. I apologize for not passing this information on sooner – we had some things to square away internally. Upon further review, KDOT has decided not to require a dedicated left turn lane at the subject location. Our decision was based on the results of the TIS Addendum (May 2009) that considered existing traffic conditions, no significant accident history since the opening of the preschool, and uncertainty about proposed development in this area. Please note, this existing access is still to be considered as “temporary” until such time alternative access is established via John Wesley Drive. KDOT reserves the right to require the petitioner to make modifications to this access, including but not limited to, a dedicated WB left turn lane, should conditions change or they are otherwise warranted.

The applicant will need to contact our Area Office and withdraw the access permit request to develop a WB left turn lane. Contact information is below.

Blaine Smith  
[blaine@ksdot.org](mailto:blaine@ksdot.org)  
785-296-3986

Regarding the development potential of parcels near the subject area, I would like to schedule a meeting with you and discuss the feasibility of KDOT, Douglas County, Lawrence, and the MPO participating in a US-40/K-10 Corridor Management Plan. The purpose of this plan would be to identify where development might take place and what transportation improvements would be necessary to accommodate such development. At a glance, I'm thinking the study area would be from Stull Road to George Williams on US-40 and KTA to Clinton Parkway on K-10.

We've completed plans like this around the state on growth corridors and we feel US-40 would be a candidate for such an effort. It would be similar in nature to the US-56 Plan in Gardner.

I have considerable availability the week of the 21<sup>st</sup> & 28<sup>th</sup>. Let me know if/when you'd like to meet.

**Michael J. Moriarty**  
Kansas Department of Transportation

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**From:** Scott McCullough  
**Sent:** Thursday, September 10, 2009 9:57 AM  
**To:** Michael Moriarty  
**Subject:** Church on hwy 40

Hi Michael,

Checking on the status of the determination on the matter of the church just west of K-10 on Hwy 40. Last we spoke KDOT officials were going to meet to discuss. Any word is appreciated. Thanks.

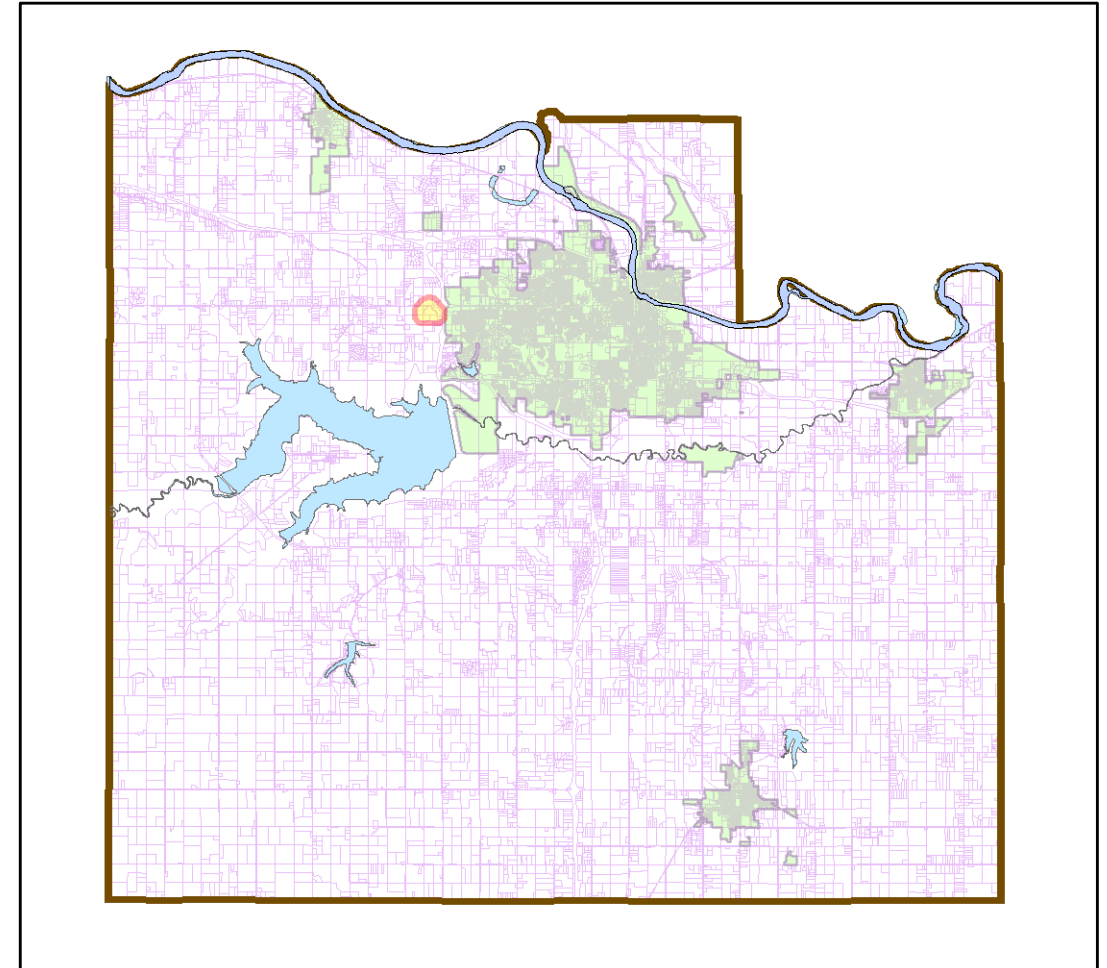
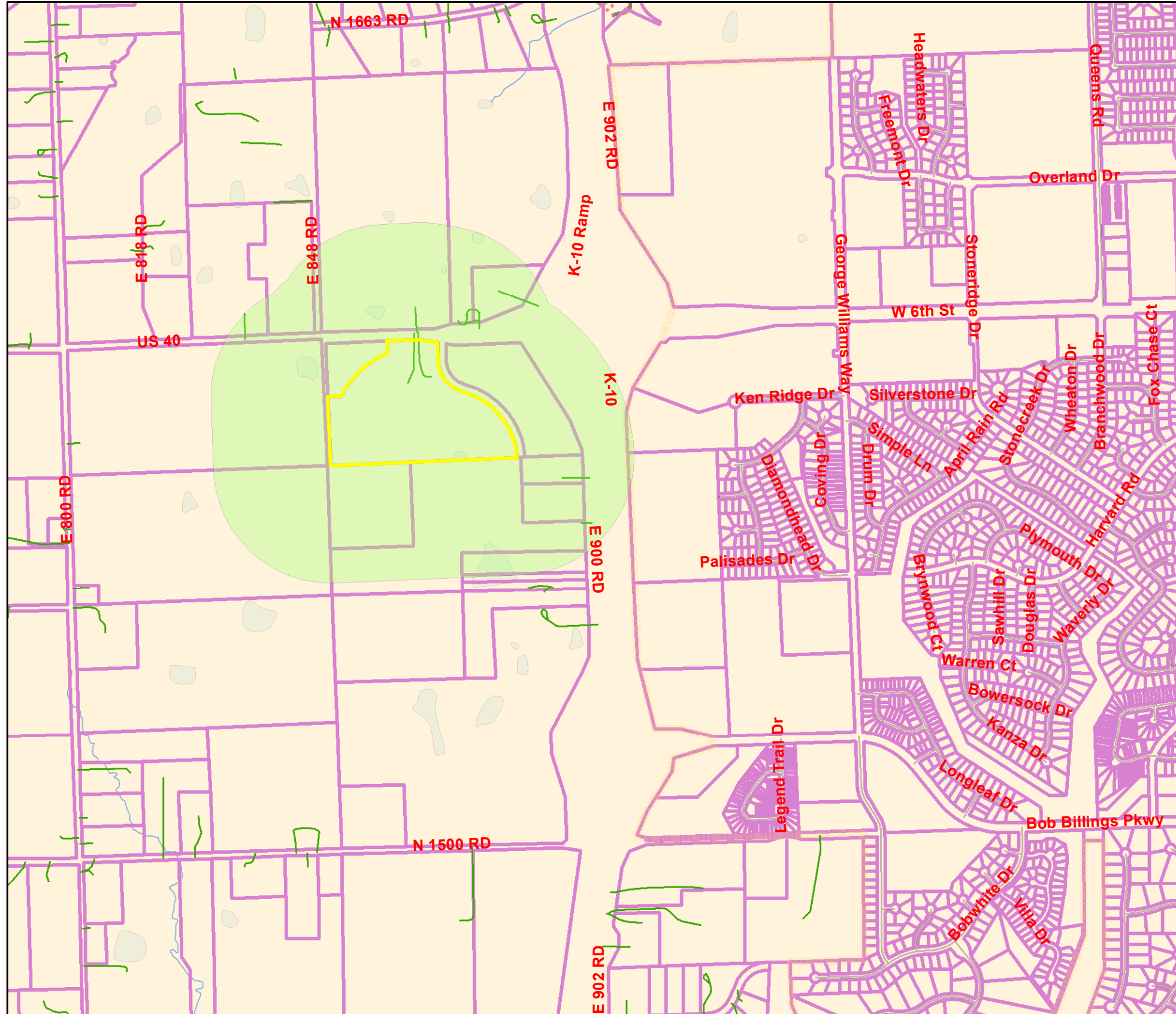
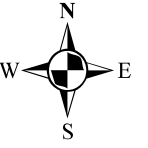
**Scott McCullough**, *Director*  
Planning and Development Services





# CUP-2-4-07

## FIRST UNITED METHODIST CHURCH



### CUP-2-4-07

	CUP-2-4-07		uga
	ownshp10		city_limits10

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