

# BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

## WEDNESDAY, MARCH 10, 2010

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

-Convene

-Consider the approval of the minutes of February 3 and February 10, 2010.

## CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Consider approval of application for an authorized emergency vehicle permit (Sheriff's office);
- (c) Consider approval to solicit bids for supply of asphaltic concrete (Keith Browning);
- (d) 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);
- (e) Consider approval of 2009 Township Annual Reports (Craig Weinaug);
- (f) Consider approval to award bids for various signs, posts and miscellaneous materials (Keith Browning); and
- (g) Consider approval to solicit bids for Mill & Overlay resurfacing (Keith Browning)

## REGULAR AGENDA

- (2) Attracting retirees to Lawrence and Douglas County Assessment Review (John Glassman)
- (3) Presentation from Cottonwood about local service impacts of cuts in state funding (Sharon Spratt)
- (4) Census update (Ken Grotewiel)-No backup
- (5) Other Business
  - (a) Consider approval of Accounts Payable (if necessary)
  - (b) Appointments
  - (c) Miscellaneous
  - (d) Public Comment

RECESS UNTIL 6:35 P.M.

- (6) Public hearing pursuant to Resolution No. 10-05 to consider the disposal of Lots 122, 124, 126, and 128 on Rhode Island Street, all in the City of Lawrence, Douglas County, Kansas, by conveyance of fee title to Tenants to Homeowners, Inc., a Kansas not-for-profit corporation. (Craig Weinaug) -  
No backup
- (7) Consider an amended Conditional Use Permit CUP-12-10-01 for Enright Gardens to add a reception hall to the previously approved uses, located at 2351 N 400 Rd, Edgerton. Submitted by Robert Enright, property owner of record. (PC Item 4; approved 9-0 on 2/22/10) Mary Miller is the Planner.
- (8) Consider approval of 2011-2015 Five-Year Plan request for federally funded projects (Keith Browning)
- (9) Discussion of request for a Douglas County Noise Ordinance (Craig Weinaug)
- (10) Adjourn

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

**WEDNESDAY, MARCH 24, 2010**

-Consider approval of the minutes of February 17 and February 24, 2010.

4:00 p.m.- Presentation from the Douglas County Air Quality Committee (Linda Finger)

-Consider removal of a requirement to construct turning lanes on Highway 40 as part of Conditional Use Permit, CUP-2-4-07, for First United Methodist Church at 867 Hwy 40. Deferred by the County Commission on 2/24/10 to allow for additional public comment.(Sheila Stogsdill is the Planner)

-Census update (Emily Jackson)

**WEDNESDAY, MARCH 31, 2010**

4: 00 p.m. -Presentation on the Juvenile Mental Health Grant (Judge Shepherd)

**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.*



**DOUGLAS COUNTY**  
**APPLICATION FOR AN AUTHORIZED EMERGENCY VEHICLE PERMIT**

Please type or print the following information:

Check One:            New  
            Annual Renewal  
(If renewal, attach old permit. Must be renewed annually by January 31.)

Name: WILLIAM M. SHOCKLEY

Street Address: 954 NORTH 1950 ROAD Phone # (785) 842-2337

City: LAURENCE State: KANSAS Zip Code: 66049-9200 County: DOUGLAS

Make of Vehicle: GMC K-2500 4x4 Year of Vehicle: 1984

Style of Vehicle: FLATBED TRUCK License Tag #: KB ØW ØW

VIN #: 1GTEK24CKE5508441 Driver's License #: K02-06-6004

Vehicle Insurance Company Name: KEY INSURANCE CO. Policy #: KK50728654  
\*\*Attach copy of insurance card.

Agency: Lecompton FIRE/EMS

Agency Address: P.O. Box 154, Lecompton, KS 66042-0154

Agency Head Signature: J. Wayne Riley Fire Chief

I HEARBY CERTIFY, I have read and agree to abide by the requirements set forth in Chapter 8 of the Kansas Statutes which relate to the operation of Emergency Vehicles.

I FURTHER CERTIFY, I will drive with due regard for the safety of others as required by K.S.A. 8-1506.

I FURTHER CERTIFY, I will return my permit when requested by the Sheriff. This permit is not transferable to any other person or vehicle.

I FURTHER CERTIFY, violating any of these laws and/or rules and the commission of other serious traffic violations may be grounds for the cancellation of my vehicle being designated as an "Authorized Emergency Vehicle"


William M. Shockley  
Signature of Applicant

1-31-2000  
Date

Kenneth M. McGovern  
Kenneth M. McGovern, Sheriff

2/23/10  
Date Permit #

Authorization granted by County Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

To County Commission  
From Debbie Sparkes   
Date 3/4/2010  
Subject 2009 Township Annual Reports

Attached are summaries of the township annual reports.

The annual reports are required per K.S.A. 80-410 and are to be examined and approved, per K.S.A. 80-304, by the Board of County Commissioners. A summary of the financial statement for each township has been published as required.

Using the township ledgers, canceled checks, bank statements and the revenue receipts from the County Treasurer, an annual report was done for each township. I have verified that they did not exceed their adopted budgets.

Lecompton Township did go over their budget by \$20,657, but their cash is fine.

Thank you

**Township Summary - 2009**

	Clinton	Eudora	Grant	Kanwaka	Lecompton	Marion	Palmyra	Wakarusa	Willow Springs	Total
Balance 1/1/09	38,363.08	224,501.66	43,332.26	58,529.16	135,912.46	83,987.59	95,041.30	69,334.22	213,042.44	962,044.17
Douglas Co Treasurer	159,706.31	502,836.48	207,783.50	502,536.96	329,480.49	350,292.82	588,137.71	1,307,000.34	364,899.61	4,312,674.22
Dg Co-Dust Palliative	1,158.00	4,019.03	0.00	648.00	630.00	1,940.63	7,688.40		3,351.00	19,435.06
Interest	634.03	698.17	220.15	855.23	3,632.17	333.78	1,456.84	2,095.60	4,024.62	13,950.59
Refunds,reimbursements	867.26	835.00	1,436.00	5,675.89	3,340.30	269.41	9,930.34		5,910.11	28,264.31
Entrance Fees,tubes,rock				350.00	1,252.80			16,520.70	17,550.00	35,673.50
Donations				3,140.00						3,140.00
Sale of Equipment					750.00				32,000.00	32,750.00
Township Hall Rental			38,600.00	350.00						38,950.00
Transfer from General				21,064.00		19,000.00				40,064.00
Transfer from Road						11,000.00	10,000.00			21,000.00
Transfer from Fire							15,421.52			15,421.52
<b>Total Revenue</b>	<b>200,728.68</b>	<b>732,890.34</b>	<b>291,371.91</b>	<b>593,149.24</b>	<b>474,998.22</b>	<b>466,824.23</b>	<b>727,676.11</b>	<b>1,394,950.86</b>	<b>640,777.78</b>	<b>5,523,367.37</b>
<b>Expenditures</b>										
Wages	25,680.00	35,568.65	24,528.69	109,056.96	41,572.56	82,268.03	81,414.13	248,233.52	40,568.70	688,891.24
Payroll Taxes	11,147.28	14,386.59	8,041.57		11,435.39	28,599.09	33,679.34	115,313.21	14,944.88	237,547.35
Meetings/Per Diem	2,438.28	2,350.00	7,095.60	14,550.00	10,650.00	2,900.00	15,864.23	10,800.00	6,400.00	73,048.11
Insurance,health & property	11,574.00	16,878.00	9,493.00	19,623.55	15,538.71	18,374.28	20,091.00	117,730.24	25,601.00	254,903.78
Medical Costs				6,309.41						6,309.41
Utilities	2,923.49	8,737.54	10,943.30	7,712.18	4,480.67	4,729.92	7,598.94	18,379.36	3,255.92	68,761.32
Supplies,parts,repairs	8,208.32	40,944.56	13,039.81	60,389.65	16,876.63	15,900.25	65,990.87	325,945.88	77,119.98	624,415.95
Hired Services	2,870.00	3,174.15	4,408.69	7,399.50	6,297.92	8,546.88	9,293.48	12,411.88	5,784.10	60,186.60
Fuel	6,503.94	12,858.77	7,588.99	14,839.77	10,853.87	18,673.29	33,701.01	43,113.42	20,354.45	168,487.51
Rock,tubes,culverts	11,070.37	78,259.72	26,659.44	189,960.90	69,421.06	106,249.94	256,332.06	225,364.10	76,066.88	1,039,384.47
Equipment	25,000.00	24,701.78	29,335.54	76,299.47	33,623.78	18,430.96	15,705.43	38,375.51	181,702.00	443,174.47
Salt/Sand								33,293.20		33,293.20
Loan Payments	42,581.62	45,280.08					22,515.78	158,964.74		269,342.22
Building Improvements				4,370.00						4,370.00
New Building					186,015.50					186,015.50
Salt Bunker								7,150.78		7,150.78
Firemen pay		19,043.31					2,800.00			21,843.31
City of Lawrence-Fire Contract			75,000.00							75,000.00
Eudora Library		101,808.51								101,808.51
Transfer to Fire Reserve							15,421.52			15,421.52
Transfer to Special Equipment				21,064.00		30,000.00	10,000.00			61,064.00
<b>Total Expenditures</b>	<b>149,997.30</b>	<b>403,991.66</b>	<b>216,134.63</b>	<b>531,575.39</b>	<b>406,766.09</b>	<b>334,672.64</b>	<b>590,407.79</b>	<b>1,355,075.84</b>	<b>451,797.91</b>	<b>4,440,419.25</b>
<b>Balance 12/31/09</b>	<b>50,731.38</b>	<b>328,898.68</b>	<b>75,237.28</b>	<b>61,573.85</b>	<b>68,232.13</b>	<b>132,151.59</b>	<b>137,268.32</b>	<b>39,875.02</b>	<b>188,979.87</b>	<b>1,082,948.12</b>

**2009 CLINTON TOWNSHIP ANNUAL REPORT**

**Summary**

	<b>General Fund</b>	<b>General</b>	<b>Road</b>	<b>Fire</b>
<b>Receipts:</b>				
Balance 1-1-09	38,363.08			
Douglas Co Treasurer	159,706.31			
Dg Co Treas-reimb dust pallative	1,158.00			
Interest on Bank Accounts	634.03			
Old Republic Surety-refund	844.00			
Kaw Valley Electric-refund	23.26			
<b>Total Receipts &amp; Fund Balance</b>	<b>200,728.68</b>			

**Expenditures:**

Wages	25,680.00		25,680.00	
Payroll Taxes	11,147.28	11,147.28		
Officer Meetings	2,438.28	2,438.28		
Insurance	11,574.00	11,574.00		
Utilities	2,923.49	2,923.49		
Hired services	2,870.00	2,870.00		
Supplies,repairs,parts	4,799.61	316.10	4,240.90	242.61
Fuel	6,503.94		6,503.94	
Rock	11,070.37		11,070.37	
Fire truck payment	19,712.40			19,712.40
Backhoe	25,000.00		25,000.00	
Equipment Rental	3,408.71		3,408.71	
Grader payment	22,869.22		22,869.22	
<b>Total Expenditures</b>	<b>149,997.30</b>	<b>31,269.15</b>	<b>98,773.14</b>	<b>19,955.01</b>

<b>BALANCE 12-31-09</b>	<b>50,731.38</b>
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**2009 EUDORA TOWNSHIP ANNUAL REPORT**  
**Summary**

		<b>General Fund</b>	<b>Road Fund</b>	<b>Fire Fund</b>	<b>Library Fund</b>	<b>Special Machinery</b>	<b>Total</b>
<b>RECEIPTS:</b>							
Balance 1-1-09		87,611.92	17,322.39	14,445.94	5,803.95	99,317.46	224,501.66
Douglas Co Treasurer	taxes from county	69,463.51	240,183.48	91,379.42	101,810.07	0.00	502,836.48
Douglas Co Dust Palliative	dust palliative reimb	0.00	4,019.03	0.00	0.00	0.00	4,019.03
Interest on Checking	interest on checking	698.17	0.00	0.00	0.00	0.00	698.17
Refunds & Reimbursements	refunds & reims	0.00	835.00	0.00	0.00	0.00	835.00
		0.00	0.00	0.00	0.00	0.00	0.00
Transfer from Road	transfer	0.00	0.00	0.00	0.00	0.00	0.00
<b>TOTAL RECEIPTS</b>		<b>157,773.60</b>	<b>262,359.90</b>	<b>105,825.36</b>	<b>107,614.02</b>	<b>99,317.46</b>	<b>732,890.34</b>
<b>EXPENDITURES:</b>							
Wages	wages	0.00	35,568.65	0.00	0.00	0.00	35,568.65 ✓
Withholding	payroll taxes	13,838.63	547.96	0.00	0.00	0.00	14,386.59 ✓
Meetings-officer pay	per diem	2,350.00	0.00	0.00	0.00	0.00	2,350.00 ✓
Insurance	insurance	1,140.00	9,041.50	6,696.50	0.00	0.00	16,878.00 ✓
Fuel	fuel	0.00	11,494.47	1,364.30	0.00	0.00	12,858.77 ✓
Utilities	utilities	7,212.54	0.00	1,525.00	0.00	0.00	8,737.54 ✓
Hired services	hire	2,574.15	0.00	0.00	600.00	0.00	3,174.15 ✓
Supplies	supplies	12,636.10	2,753.16	11,107.83	0.00	0.00	26,497.09 x
Repairs	repairs	4,572.03	7,543.10	2,332.34	0.00	0.00	14,447.47 x
Road materials	road materials	0.00	78,259.72	0.00	0.00	0.00	78,259.72 ✓
Fireman pay	fireman pay	1,090.00	0.00	17,953.31	0.00	0.00	19,043.31 ✓
Equipment	equipment	1,600.00	450.00	22,651.78	0.00	0.00	24,701.78 ✓
Motor Grader Payment	motor grader payment	9,336.24	18,157.52	0.00	0.00	0.00	27,493.76 o
Transfer to Fire Reserve	transfer to fire reserve	0.00	0.00	0.00	0.00	0.00	0.00
Transfer to Machinery	transfer to machinery	0.00	0.00	0.00	0.00	0.00	0.00
Eudora Public Library	library board	0.00	0.00	0.00	101,808.51	0.00	101,808.51 ✓
Fire Truck Payment	fire truck payment	0.00	0.00	17,786.32	0.00	0.00	17,786.32 o
Transfer to Special Machinery							
<b>TOTAL EXPENDITURES</b>		<b>56,349.69</b>	<b>163,816.08</b>	<b>81,417.38</b>	<b>102,408.51</b>	<b>0.00</b>	<b>403,991.66</b>
<b>BALANCE 12-31-09</b>		<b>101,423.91</b>	<b>98,543.82</b>	<b>24,407.98</b>	<b>5,205.51</b>	<b>99,317.46</b>	<b>328,898.68</b>

**2009 GRANT TOWNSHIP ANNUAL REPORT**

**Summary**

		General	Community Center		Total
<b>RECEIPTS:</b>					
Balance 1-1-09		29,690.27	13,641.99		43,332.26
Douglas Co Treasurer	advalorem taxes	207,783.50			207,783.50
Dg Co Treas-reimb dust palliative	dust palliative	0.00			0.00
Interest on Checking	interest	220.15	0.00		220.15
Refunds	refund	541.00 ✓	0.00		541.00
Tubes & Culverts	reimbursements	0.00			0.00
Miscellaneous	miscellaneous	820.00 ✓	75.00		895.00
Rent on building	rent		38,600.00		38,600.00
<b>TOTAL RECEIPTS</b>		<b>239,054.92</b>	<b>52,316.99</b>	<b>0.00</b>	<b>291,371.91</b>
<b>EXPENDITURES:</b>					
Equipment	equipment payments	29,335.54 ✓			29,335.54
Fire Contract City of Lawrence	fire contract with city	75,000.00 ✓			75,000.00
Fuel	fuel / oil	7,588.99 ✓			7,588.99
Hired Services	hire	508.69 ✓	3,900.00		4,408.69
Insurance	insurance	6,213.50 ✓	3,279.50		9,493.00
Mileage Reimbursement	mileage reimb	295.01 ✓			295.01
Payroll Withholdings	payroll taxes	8,041.57 ✓			8,041.57
Per Diem - Officer Meetings	per diem	7,095.60 ✓			7,095.60
Repairs	repairs	2,925.93 ✓	9,203.72 ✗		12,129.65
Road Materials	road materials	26,659.44 ✓			26,659.44
Supplies	supplies	545.93 ✓	49.00 ✗		594.93
Utilities	utilities	1,122.92 ✓	9,820.38		10,943.30
Wages	wages	24,528.69 ✓			24,528.69
Miscellaneous	miscellaneous		20.22		20.22
					0.00
<b>TOTAL EXPENDITURES</b>		<b>189,861.81</b>	<b>26,272.82</b>	<b>0.00</b>	<b>216,134.63</b>
<b>BALANCE 12-31-09</b>		<b>49,193.11</b>	<b>26,044.17</b>	<b>0.00</b>	<b>75,237.28</b>



**2009 Kanwaka TOWNSHIP ANNUAL REPORT**

**Summary**

	General Fund	Special Equipment	Fire Contributions	Total	General	Road	Fire
<b>Receipts:</b>							
Balance 1-1-09	26,290.34	19,934.49	12,304.33	58,529.16			
Douglas Co Treasurer	502,536.96			502,536.96			
Dg Co Treas-reimb dust pallative	648.00			648.00			
Interest Earned	690.04	100.42	64.77	855.23			
Fire contributions			3,140.00	3,140.00			
				0.00			
Township Hall Rental	350.00			350.00			
Refunds & reimbursements	5,675.89			5,675.89			
Entrance culverts & hauling	350.00			350.00			
Transfer from General		21,064.00		21,064.00			
<b>Total Receipts</b>	<b>536,541.23</b>	<b>41,098.91</b>	<b>15,509.10</b>	<b>593,149.24</b>			
<b>Expenditures:</b>							
Wages & Payroll Taxes	109,056.96 ✓			109,056.96		102,159.93	6,897.03
Officer Meetings	14,550.00 ✓			14,550.00	14,550.00		
Insurance	19,623.55 ✓			19,623.55	19,623.55		
Medical costs	6,309.41 ✓			6,309.41		5,698.00	611.41
Utilities	7,712.18 ✓			7,712.18	4,092.95	1,544.40	2,074.83
Hired services	7,399.50 ✓			7,399.50	3,312.00	3,412.50	675.00
Supplies,repairs,parts	60,389.65 ✓			60,389.65	1,463.28	49,669.20	9,257.17
Fuel	14,839.77 ✓			14,839.77		14,839.77	
Rock & Road Materials	189,960.90 ✓			189,960.90		189,960.90	
Equipment	76,299.47 ✓			76,299.47		68,013.15	8,286.32
Building Improvements	4,370.00 ✓			4,370.00	4,370.00		
Transfer to Special Equipment	21,064.00 ✓			21,064.00	21,064.00		
<b>Total Expenditures</b>	<b>531,575.39</b>	<b>0.00</b>	<b>0.00</b>	<b>531,575.39</b>	<b>68,475.78</b>	<b>435,297.85</b>	<b>27,801.76</b>
<b>BALANCE 12-31-09</b>	<b>4,965.84</b>	<b>41,098.91</b>	<b>15,509.10</b>	<b>61,573.85</b>			

**2009 Lecompton TOWNSHIP ANNUAL REPORT**

**Summary**

	<b>General</b>	<b>Road</b>	<b>Total</b>
<b><u>Receipts:</u></b>			
Balance 1-1-09	59,388.17	76,524.29	135,912.46
Douglas Co Treasurer	35,727.17	293,753.32	329,480.49
Dg Co Treas-reimb dust pallative		630.00	630.00
Interest on Bank Accounts	3,632.17		3,632.17
Entrance Permits & Tube		1,252.80	1,252.80
Refunds	41.00	3,299.30	3,340.30
Sale of mower		750.00	750.00
<b>Total Receipts &amp; Balance</b>	<b>98,788.51</b>	<b>376,209.71</b>	<b>474,998.22</b>
<b><u>Expenditures:</u></b>			
Wages	8,108.57	33,463.99	41,572.56
Payroll taxes	5,565.66	5,869.73	11,435.39
Per Diem-Officer Pay	5,450.00	5,200.00	10,650.00
Insurance	7,177.71	8,361.00	15,538.71
Utilities	4,480.67		4,480.67
Hired services	3,470.79	2,827.13	6,297.92
Supplies,repairs,parts	3,754.26	13,122.37	16,876.63
Fuel, parts, supplies	1,583.01	9,270.86	10,853.87
Rock, tubes, signs - road materials		69,421.06	69,421.06
Equipment		33,623.78	33,623.78
New Building	54,150.69	131,864.81	186,015.50
			0.00
<b>Total Expenditures</b>	<b>93,741.36</b>	<b>313,024.73</b>	<b>406,766.09</b>
<b>BALANCE 12-31-07</b>	<b>5,047.15</b>	<b>63,184.98</b>	<b>68,232.13</b>

**2009 MARION TOWNSHIP ANNUAL REPORT**

**Summary**

	<b>General Fund</b>	<b>Road Fund</b>	<b>Special Machinery</b>	<b>Total</b>
<b><u>Receipts:</u></b>				
Balance 1-1-09	189.67	3,421.00	80,376.92	83,987.59
Douglas Co Treasurer	137,099.57	213,193.25		350,292.82
Dg Co Treas-reimb dust pallative		1,940.63		1,940.63
Interest on Checking	333.78			333.78
Refunds	269.41			269.41
Transfer from General			19,000.00	19,000.00
Transfer from Road			11,000.00	11,000.00
<b>Total Receipts</b>	<b>137,892.43</b>	<b>218,554.88</b>	<b>110,376.92</b>	<b>466,824.23</b>
<b><u>Expenditures:</u></b>				
Wages	40,534.24	41,733.79		82,268.03
Withholdings	19,260.47	9,338.62		28,599.09
Officer Meetings	1,600.00	1,300.00		2,900.00
Insurance	3,745.28	14,629.00		18,374.28
Utilities	3,610.11	1,119.81		4,729.92
Hired services	270.00	8,276.88		8,546.88
Supplies,repairs,parts	11,194.10	4,706.15		15,900.25
Fuel	9,522.92	9,150.37		18,673.29
Rock, tubes, signs - road materials	12,556.99	88,760.95		101,317.94
Chemicals	4,932.00			4,932.00
Equipment	10,923.32	7,507.64		18,430.96
Transfer to Special Machinery	19,000.00	11,000.00		30,000.00
<b>Total Expenditures</b>	<b>137,149.43</b>	<b>197,523.21</b>	<b>0.00</b>	<b>334,672.64</b>
<b>BALANCE 12-31-09</b>	<b>743.00</b>	<b>21,031.67</b>	<b>110,376.92</b>	<b>132,151.59</b>

**2009 PALMYRA TOWNSHIP ANNUAL REPORT**  
**Summary**

		<b>General Fund</b>	<b>Road Fund</b>	<b>Fire Fund</b>	<b>Machinery Fund</b>	<b>Fire Reserve</b>	<b>Total</b>
<b>RECEIPTS:</b>							
Balance 1-1-09		36,477.19	46.88	28.29	46,169.45	12,319.49	95,041.30
Douglas Co Treasurer	taxes from county	97,143.48	423,308.16	67,686.07	0.00	0.00	588,137.71
Douglas Co Dust Palliative	dust palliative reimb	0.00	7,688.40	0.00	0.00	0.00	7,688.40
Interest on Checking	interest on checking	1,456.84	0.00	0.00	0.00	0.00	1,456.84
Refunds & Reimbursements	refunds & reimbs	8,323.68	1,606.66	0.00	0.00	0.00	9,930.34
Transfer from Road/Fire	transfer	0.00	0.00	0.00	10,000.00	15,421.52	25,421.52
<b>TOTAL RECEIPTS</b>		<b>143,401.19</b>	<b>432,650.10</b>	<b>67,714.36</b>	<b>56,169.45</b>	<b>27,741.01</b>	<b>727,676.11</b>
<b>EXPENDITURES:</b>							
Wages	wages	0.00	81,414.13	0.00	0.00	0.00	81,414.13
Withholding	payroll taxes	31,451.54	2,227.80	0.00	0.00	0.00	33,679.34
Meetings-officer pay	per diem	15,541.01	323.22	0.00	0.00	0.00	15,864.23
Insurance	insurance	20,091.00	0.00	0.00	0.00	0.00	20,091.00
Fuel	fuel	3,701.01	30,000.00	0.00	0.00	0.00	33,701.01
Utilities	utilities	4,827.69	0.00	2,771.25	0.00	0.00	7,598.94
Hired services	hire	770.00	8,523.48	0.00	0.00	0.00	9,293.48
Supplies	supplies	1,733.03	15,085.33	3,565.84	0.00	0.00	20,384.20
Repairs	repairs	15,315.54	22,614.95	7,676.18	0.00	0.00	45,606.67
Road materials	road materials	25,000.00	231,332.06	0.00	0.00	0.00	256,332.06
Fireman pay	fireman pay	3,070.00	0.00	-270.00	0.00	0.00	2,800.00
Equipment	equipment	0.00	0.00	15,705.43	0.00	0.00	15,705.43
Fire Truck Payment	fire truck payment	0.00	0.00	22,515.78	0.00	0.00	22,515.78
Transfer to Fire Reserve	transfer to fire reserve	0.00	0.00	15,421.52	0.00	0.00	15,421.52
Transfer to Machinery	transfer to machinery	0.00	10,000.00	0.00	0.00	0.00	10,000.00
							0.00
							0.00
<b>TOTAL EXPENDITURES</b>		<b>121,500.82</b>	<b>401,520.97</b>	<b>67,386.00</b>	<b>0.00</b>	<b>0.00</b>	<b>590,407.79</b>
<b>BALANCE 12-31-09</b>		<b>21,900.37</b>	<b>31,129.13</b>	<b>328.36</b>	<b>56,169.45</b>	<b>27,741.01</b>	<b>137,268.32</b>

**Wakarusa Township Annual Report 2009  
Summary**

	General	Special Road	Total	General	Road	Fire
<b>RECEIPTS:</b>						
Balance 1-1-09	26,553.15	42,781.07	69,334.22			
Douglas Co Treasurer	834,297.40	472,702.94	1,307,000.34			
Interest on Checking	2,062.53		2,062.53			
Interest on Savings	33.07		33.07			
Rocks, tubes, reimbursements, refunds	16,520.70		16,520.70			
John Deere Credit-Lease Purchase Dump Truck			0.00			
Deposit - Insurance Settlement 2001 Broce Sweeper			0.00			
<b>TOTAL RECEIPTS</b>	<b>879,466.85</b>	<b>515,484.01</b>	<b>1,394,950.86</b>			
<b>EXPENDITURES:</b>						
Wages	185,351.15	62,882.37	248,233.52		74,659.94	110,691.21
Withholdings	87,718.67	27,594.54	115,313.21	160.39	32,187.16	55,371.12
Per Diem	10,800.00		10,800.00	10,800.00		
Insurance/Bond	92,470.57	23,984.67	116,455.24	29,438.00	25,605.27	37,427.30
Medical Expenses	0.00		0.00			
Utilities	18,379.36		18,379.36		5,860.24	12,519.12
Hired services	6,950.00	5,461.88	12,411.88	6,950.00		
Salt/Sand	33,293.20		33,293.20		33,293.20	
Salt Bunker	7,150.78		7,150.78		7,150.78	
Supplies, repairs, parts, misc.	128,801.85	172,146.09	300,947.94	1,420.73	98,739.57	28,641.55
Supplies: Asphalt	19,841.34	98.45	19,939.79		19,841.34	
Lease Purchase-Dump Truck	17,810.14		17,810.14		17,810.14	
Lease Purchase-Truck Bed	0.00		0.00			
Lease Purchase-Truck	71,903.44		71,903.44		14,508.81	57,394.63
Loan Payment: Loader	23,107.53		23,107.53		23,107.53	
Road Material	0.00		0.00			
Road Grader Payment	34,422.87		34,422.87		34,422.87	
Rock	14,519.27	163,134.67	177,653.94		14,519.27	
Equipment	38,375.51		38,375.51		17,102.59	21,272.92
Fuel	27,807.79	15,305.63	43,113.42		18,619.54	9,188.25
Payment Deere Credit-Tractor/Mower	11,720.76		11,720.76		11,720.76	
Rentals	21,977.01	5,793.36	27,770.37			21,977.01
Training	2,067.94		2,067.94			2,067.94
Bonds	1,275.00		1,275.00	1,275.00		
Buildings	22,930.00		22,930.00		17,982.00	4,948.00
<b>TOTAL EXPENDITURES</b>	<b>878,674.18</b>	<b>476,401.66</b>	<b>1,355,075.84</b>	<b>50,044.12</b>	<b>467,131.01</b>	<b>361,499.05</b>
<b>BALANCE 12/31/09</b>	<b>792.67</b>	<b>39,082.35</b>	<b>39,875.02</b>			

**2009 Willow Springs TOWNSHIP ANNUAL REPORT**

**Summary**

	General			
		General	Road	Fire
<b>RECEIPTS:</b>				
Balance 1-1-09	213,042.44			
Douglas Co Treasurer	364,899.61			
Dg Co Treas-reimb dust pallative	3,351.00			
Interest on bank accounts	4,024.62			
Ausherman	5,910.11			
Refunds, tubes	17,550.00			
Sale of Equipment	32,000.00			
<b>TOTAL RECEIPTS</b>	<b>640,777.78</b>			
<b>EXPENDITURES:</b>				
Wages	40,568.70		37,258.70	3,310.00
Salary withholding	14,944.88	14,944.88		
Officer Meetings	6,400.00	6,400.00		
Insurance & Bond	25,601.00	25,601.00		
Health Insurance	0.00			
Utilities	3,255.92	2,013.77		1,242.15
Hired services	5,784.10	4,992.10	312.00	480.00
Supplies,repairs,parts	77,119.98	10,034.82	60,170.39	6,914.77
Fuel & Propane	20,354.45	182.68	19,861.54	310.23
Rock, tubes, signs - road materials	76,066.88		76,066.88	
Equipment	181,702.00		181,702.00	
<b>TOTAL EXPENDITURES</b>	<b>451,797.91</b>	<b>64,169.25</b>	<b>375,371.51</b>	<b>12,257.15</b>
<b>BALANCE 12-31-09</b>		<b>188,979.87</b>		

CITY RESOLUTION NO. \_\_\_\_\_

COUNTY RESOLUTION NO. \_\_\_\_\_

A JOINT RESOLUTION OF THE CITY OF LAWRENCE, KANSAS AND THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS; AMENDING JOINT RESOLUTION NO. 1957 AND REPEALING JOINT RESOLUTION (COUNTY RESOLUTION NO. 86-26 AND CITY RESOLUTION NO. 4957), CHANGING THE NUMBER OF MEMBERS OF THE LAWRENCE-DOUGLAS COUNTY HEALTH BOARD AND MAKING OTHER MISCELANEOUS CHANGES

WHEREAS, in 1951 the governing bodies of Douglas County, Kansas and the City of Lawrence, Kansas adopted Joint Resolution No. 1957, establishing a joint health board, known as the Lawrence-Douglas County Health Board;

WHEREAS, in 1986 the governing bodies of Douglas County, Kansas and the City of Lawrence, Kansas adopted a Joint Resolution (County Resolution No. 86-26 and City Resolution No. 4957), amending the number and make-up and duties of the Lawrence-Douglas County Health Board;

WHEREAS, the governing bodies of Douglas County, Kansas and the City of Lawrence, Kansas desire to further amend the number and make-up and duties of the Lawrence-Douglas County Health Board as provided in this Resolution.

NOW, THEREFORE, BE IT JOINTLY RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS; AND THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS AS FOLLOWS:

SECTION ONE. RECITALS. The above recitals are incorporated by reference as if fully set forth herein and shall be as effective as if repeated verbatim.

SECTION TWO. HEALTH BOARD MAKE-UP. From and after the effective date of this Resolution, Section II of Joint Resolution No. 1957, as most recently amended by Section 1 of Joint Resolution (County Resolution No. 86-26 and City Resolution No. 4957), shall read as follows:

## SECTION II

The joint Lawrence-Douglas County Health Board (referred to in Joint Resolution No. 1957 as "The Board" and in this Resolution as the "Health Board" both of which are one in the same) shall consist of seven voting members and *ex officio* members as follows:

1. The governing body of Douglas County, Kansas shall appoint three voting members, the governing body of the City of Lawrence,

Kansas shall appoint three voting members, and the two governing bodies shall jointly appoint one voting member.

2. The Chancellor of the University of Kansas shall appoint one *ex officio* member, without voting powers.
3. The Director of the Lawrence-Douglas County Health Department (the "Health Department") shall serve as Secretary of the Health Board and shall be an *ex-officio* member of the Health Board, without voting powers.
4. The voting members of the Health Board may appoint additional *ex-officio* members of the Health Board, without voting powers, with such experience and background as the Health Board determines appropriate to provide helpful and desirable input and guidance to the Health Board. The Health board shall set the initial terms of *ex officio* members appointed pursuant to this paragraph so as to stagger the expiration of their initial terms.
5. Four voting members of the Health Board shall constitute a quorum.
6. Members of the Health Board shall have a term of office of three years, and any vacancy on the Health Board shall be filled by appointment of the same body that appointed the vacated member.
7. No appointed voting member of the Health Board may serve more than two consecutive three-year terms.

SECTION THREE. TERMS OF NEW MEMBERS. Notwithstanding the provisions of general three-year term of members of the Health Board, the initial terms of the two new voting members added to the Health Board as a result of Section Two of this Resolution, one to be appointed by the governing body of Douglas County, Kansas and one to be appointed by the governing body of City of Lawrence, Kansas, shall be staggered so the term of appointment of both new members does not expire at the same time. As such, the initial term for the County's newly appointed member shall be two years and the initial term for the City's newly appointed member shall be four years; thereafter, terms shall be three years.

SECTION FOUR. DUTIES OF THE HEALTH BOARD. From and after the effective date of this Resolution, Section III of Joint Resolution No. 1957, as most recently amended by Sections 2, 3, and 4 of Joint Resolution (County Resolution No. 86-26 and City Resolution No. 4957), shall read as follows:

### SECTION III



In addition to other duties and obligations imposed by law or other joint resolution of the governing bodies of Douglas County, Kansas and the City of Lawrence, Kansas, the Health Board shall comply with the following:

1. The Health Board shall conduct regular monthly meetings and may conduct additional special meetings called and held in accordance with its Bylaws. The Health Board shall annually elect its officers from its voting membership as follows: Chair, Vice-Chair, and Treasurer, who shall each hold office for one year.
2. The Health Board shall annually adopt and forward to the governing bodies of Douglas County, Kansas and the City of Lawrence, Kansas the Health Board's budget recommendations, with the budget recommendations being timely submitted according to dates and deadlines that the two governing bodies shall periodically provide the Health Board. The Health Board shall annually review the personnel policies established for the Health Department. The Treasurer shall receive and pay out all the monies allocated to the Health Board for public health by the two governing bodies. The Treasurer shall give bond to be approved by the two governing bodies for the safe-keeping and due disbursements of all funds that may come into the Treasurer's hands by virtue of said office.
3. Responsibility for the approval of warrants for expenses of the Health Board for public health shall rest with the Health Board. All warrants shall be signed by the Treasurer of the Health Board and countersigned by the Chair of the Health Board. Each month the Health Board shall submit to the two governing bodies a statement of income and expenditures by the Health Board for the previous month.
4. The Health Board shall retain a Public Health Officer to serve as a consultant to the Director of the Health Department on programs and related medical and professional matters, and as authorized by applicable state law, local resolution and ordinances. The Public Health Officer shall have all education, qualifications, and licenses required by state law. When a vacancy occurs in the position of Public Health Officer, the Director of the Health Department, subject to the Health Board's approval, shall hire a new Public Health Officer. The Public Health Officer shall have all education, qualifications, and licenses required by state law.
5. The Director of the Health Department shall be responsible for filling all other vacancies on the Health Department staff.

6. The Health Board shall be the governing body of the Health Department. The Health Board shall formulate and establish policies for operation of the Health Department, and shall review these policies annually. The Director of the Health Department shall be responsible for administration of the policies established by the Health Board.

SECTION FIVE. REPEAL. Sections 1 through 5 of Joint Resolution (County Resolution No. 86-26 and City Resolution No. 4957), and all other joint resolutions inconsistent with this Resolution are repealed.

SECTION SIX. SEVERABILITY. If any section, clause, sentence, or phrase of this Joint Resolution is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this Joint Resolution.

SECTION SEVEN. EFFECTIVE DATE. This Resolution shall be in full force and effect upon its adoption by the governing bodies of Douglas County, Kansas and the City of Lawrence, Kansas.

[Remainder of page intentionally blank. Signature pages to follow.]

Adopted by the governing body of the City of Lawrence, Kansas this \_\_\_\_\_ day  
of \_\_\_\_\_, 2010.

APPROVED:

\_\_\_\_\_  
Robert Chestnut, Mayor

ATTEST:

\_\_\_\_\_  
Jonathan Douglass, City Clerk

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Toni Ramirez Wheeler  
Director of Legal Services

Adopted by the Board of County Commissioners of Douglas County, Kansas, this  
\_\_\_ day of \_\_\_\_\_, 2010.

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

\_\_\_\_\_  
Nancy Thellman, Chair

\_\_\_\_\_  
Jim Flory, Commissioner

\_\_\_\_\_  
Mike Gaughan, Commissioner

ATTEST:

\_\_\_\_\_  
Jameson D. Shew, County Clerk

## MEMORANDUM

To : Board of County Commissioners

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

Date : March 2, 2010

Re : Consent Agenda Approval to Solicit Bids for Supply of Asphaltic Concrete

Public Works department requests BOCC approval to solicit bids for asphaltic concrete material supply for the 2010 maintenance season. Road & Bridge Fund 201 has \$446,250 allocated in the BM-2 line item.

As in the past, this year's supply contract will include a price adjustment factor tied to KDOT's Monthly Asphalt Price Index. The adjustment factor will increase/decrease the price for asphaltic concrete mix by \$0.50/ton for each \$10.00/ton increase/decrease in the Monthly Asphalt Price Index.

We plan to open bids in late March. Contracts will be presented to the BOCC for approval thereafter.

Action Required: Consent Agenda approval to solicit bids for supply of asphaltic concrete mix for the 2010 maintenance season.

**MEMORANDUM**

To : Board of County Commissioners

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

Date : March 3, 2010

Re : Consent Agenda Acceptance of Bids for Various Signs, Posts and  
Miscellaneous Materials

Bids for finished signs, cut-out lettering, steel posts, Telespar posts, and miscellaneous accessories were opened March 2<sup>nd</sup>. Attached is a listing of all bids received. The lowest bid is recommended for each item or group of items, and shaded on the attached listing. The following awards are recommended:

Rocal	\$17,255.71
CPC	\$ 6,728.82
J & A Traffic	\$ 6,466.50
Hall Signs	<u>\$ 314.16</u>
Bid Total	\$30,765.19

Sufficient funds are available in Fund 201, line items 71241, 71243 and 70400 to cover these items.

Action Required: Consent Agenda approval to award bids for various signs, posts, and miscellaneous materials as recommended by the Director of Public Works.

**DOUGLAS COUNTY PUBLIC WORKS  
2010 SIGNS & ACCESSORIES - BID TAB**

3-Mar-10

SIGNS AND ACCESSORIES - BID NO. 10-F-0004

**Bid Items (Awarded by Group)**

	<u>NATIONAL</u>	<u>NEWMAN</u>	<u>J &amp; A TRAFFIC</u>	<u>VULCAN</u>	<u>ROCAL</u>	<u>HALL SIGN</u>	<u>CPC SIGN</u>
Finished Signs	\$21,963.08	\$18,321.85	NO BID	\$17,502.65	\$17,190.07	\$20,195.73	\$20,244.24
Cut Out Lettering	\$134.64	\$77.52	NO BID	\$93.00	\$65.64	\$107.70	\$116.28
Steel Posts	\$5,770.00	\$3,897.00	\$3,874.00	\$4,700.00	NO BID	\$3,922.50	\$3,863.00
Telespar Posts	\$8,166.00	\$7,987.50	\$6,466.50	\$7,606.50	NO BID	\$8,629.50	\$8,395.50

**Misc. Items (Awarded on item by item basis)**

White/Red Barr. Shtg-Lt (8"x10 ft)(10 ea) (Note 1)	\$175.00	NO BID	NO BID	\$164.50	NO BID	NO BID	\$167.47
White/Red Barr. Shtg-Rt (8"x10 ft)(10 ea) (Note 1)	\$175.00	NO BID	NO BID	\$164.50	NO BID	NO BID	\$167.47
Temp. Pavement Marking Tape (10 Boxes)	\$796.00	NO BID	NO BID	NO BID	NO BID	NO BID	\$764.80
Scotchlite 386 - R; Orange/Silver (1 ea) (Note 2)	\$175.00	NO BID	NO BID	\$179.00	NO BID	NO BID	\$163.04
Scotchlite 386 - L; Orange/Silver (1 ea) (Note 2)	\$175.00	NO BID	NO BID	\$179.00	NO BID	NO BID	\$163.04
10' - 3#/foot steel posts (12 ea)	\$354.00	NO BID	NO BID	\$347.16	NO BID	\$314.16	MIN. 50
Chip and Seal Markers (Yellow) (2500 ea)	\$1,225.00	\$1,575.00	NO BID	NO BID	NO BID	NO BID	\$1,200.00
Chip and Seal Markers (White) (500 ea)	\$245.00	\$265.00	NO BID	NO BID	NO BID	NO BID	\$240.00

Low Bid

**Note 1:** CPC Sign Co. & National Sign bid 1 Roll @ 150' = 15 - 10' pieces , Vulcan bid 10 pieces @ 10'/each.

**Note 2:** All bidders bid 3M #3336 Sheeting

BID SUMMARY	
COMPANY	AMOUNT
National	\$0.00
Newman	\$0.00
J & A Traffic	\$6,466.50
Vulcan	\$0.00
Rocal	\$17,255.71
Hall Signs	\$314.16
CPC Signs	\$6,728.82
<b>BID TOTAL</b>	<b>\$30,765.19</b>

## MEMORANDUM

To : Board of County Commissioners

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

Date : March 4, 2010

Re : Approval to solicit bids for Mill & Overlay resurfacing  
Routes 442 and 1061 near Eudora  
Project No. 2010-13

We are experiencing loss of chip seal on portions of Route 442 and Route 1061 near Eudora. The problem areas are (1) Route 1061 from the BNSF railroad tracks north to the Kansas River bridge, and (2) Route 442 (10<sup>th</sup> Street) from Winchester Road to Walnut Street. Together, these areas are approximately 4,290 feet (0.81 miles) long. In both areas, the chip seal is de-bonding, thereby allowing moisture to enter the base. This is resulting in large areas of shallow potholes. We have installed ROUGH ROAD signs for both locations.

A 2"-deep mill and overlay is needed to address this problem. In addition to the mill & overlay, there are areas that require full depth patching. We currently estimate the cost to contract for these services would be approximately \$115,000.

This work would be in addition to other overlay work we will inevitably need this year. Typically, we perform pavement inspections in the spring (they have already commenced) and rate all pavement segments. We use these ratings to determine which road segments need chip sealing, overlaying, etc. However, we need to repair the problem areas discussed above as soon as possible. It is likely they will worsen following spring rains.

Road & Bridge Fund 201 has \$344,520 allocated for overlays. In addition, the CIP includes \$500,000 for unspecified, contracted pavement maintenance projects.

Action Required: Consider approval to solicit bids for Project No. 2010-13, resurfacing of portions of Route 442 and Route 1061 in the Eudora vicinity.



## **Attracting Retirees to Lawrence/Douglas County**

### **BRIEF**

*~There are just a lot of perks [for older adults] here in Lawrence. It's a retirement community, if you ask me.~*

(Native Kansan and longtime Lawrence resident in her early 80's. She lives in a local assisted living facility.)

### **Introduction**

Aging populations have captured the attention of policy-makers, economists, and planners at the global, national, and state levels. It is inevitable that Douglas County will also feel the impact of an aging population that is growing in size. The Vantage Pointe Foundation\*, Lawrence Chamber of Commerce and other community organizations have initiated steps to prepare for and capitalize on changes that will accompany this population trend. This foresight will ensure that Lawrence and Douglas County will be strengthened, not burdened, by these changes.

### **Methods**

The Office on Aging and Long Term Care (OALTC) in the School of Social Welfare at the University of Kansas compiled this data through a contract with the Vantage Pointe Foundation. The OALTC reviewed the professional literature, newspaper/ magazine articles, and sought out the experiences of other communities to understand the issues of promoting Lawrence as a premier retirement community. We are also interviewing older adults so we understand their experiences of living in Douglas County as they age.

### **Why Attract Retirees to Lawrence and Douglas County?**

The 77 million baby boomers have been trendsetters throughout their lives, and their retirement choices are expected to be no different. Of the baby boomers who will retire annually for the next 18 years, economists predict at least 400,000 will relocate to another state each year. These retirees are especially likely to move to towns and small cities within driving distance of metropolitan areas.

College communities, such as Lawrence, are perfectly positioned to take advantage of this emerging retiree market as they provide many of the community amenities that baby boomers desire. Other college communities (Ft. Collins, CO) have been very successful in marketing their communities to older adults and the results to the community have been very positive from both the economic and cultural standpoint.

Communities that prepare for this aging explosion will benefit from the substantial civic, social and financial capital that older adults bring.

Retiree migration has long been recognized as an important factor in local and regional economic development. The influx of new retirees changes the communities in which they live by boosting the local economy and increasing the tax base. On average, retirees—especially those with the wherewithal to relocate—are healthier and wealthier, require fewer social services, they create jobs in medical and other service industries, and they volunteer in the community or start small businesses.

Retirees have relatively steady incomes; a portion of which is used for discretionary spending. The impact of this discretionary spending usually occurs at the local level, leading to increased economic development and job creation in the community where the retirees live.

### **What is the Potential Economic Impact of Attracting Retirees?**

The 50+ market is the fastest growing market sector and the wealthiest market sector in the country. This market controls half of the country's discretionary income. Nationally, members of the 50+ market have:

- \$35,000 average annual salary (\$70,000 per couple)
- 77% of the country's personal financial assets
- 80% of the savings deposits
- 68% of all money market accounts
- 50% of all corporate stocks
- 48% of all new domestic automobile purchases

Some of the benefits of attracting retirees to Douglas County will result in increases to the following sectors of the local economy:

- tax base (retail and property)
- bank deposit base and capital pool
- retail sales
- charitable contributions

Examples of similar initiatives:

- ❖ In a recent study in Mississippi regarding the economic impact of its 1998 project to attract seniors found that the State had netted 7,500 retirees, which generated approximately \$194 million per year in additional tax revenue and 2,320 full time jobs.
- ❖ In Georgia a typical retired couple has the same economic impact to a community as the attraction of 3.4 manufacturing jobs. Researchers found that over 15,000 people age 65 and over moved to Georgia in 2005, bringing a combined \$408 million in income and associated spending power.

In addition to financial assets, older adults contribute to the community in many ways. They provide wisdom and expertise in a variety of areas that enhance the pool of talent for workers and volunteers. Many, such as the two who provided the quotes shown here, volunteer in the community on a regular basis. Many will become year-round residents; or live here when KU students return to their hometowns. This lends stability to local business cycles.

### **What are Potential Concerns of Attracting Retirees?**

Many people believe that older adults increase the costs of public and private services and make few contributions to community income. Local officials and developers may perceive the elderly as a drain on community resources. However, recent research shows that the older population is an important source of income that adds to local sales and service revenue. According to the Senior Journal, when seniors move into an area they create one job for every 1.8 retirees.

Some people believe that the majority of older adults require ongoing and expensive medical and social services. However, the majority of people over age 80 have no physical limitations—they are healthy and active. Only 27% of those ages 80 and over who live in the community have three or more functional limitations like difficulty walking across a room or getting in and out of a chair. To put the issue of health and social services into perspective, it is important to understand a few things about older adults' use of these services. The period of time near the end of life when people may need services has shortened. Less expensive service options (e.g., home and community based services) now provide alternatives to more expensive care in skilled nursing facilities. In studies in Florida and Arizona the benefits of older adults brought more revenue than the cost of services and their per capita income was 25% higher than citizens ages 18-49. In addition, OALTC research has shown that in Kansas, older adults with multiple and severe functional limitations tended to need services for 3-6 months and then were able to remain living in the community without services—sometimes for years.

Another concern that some people might have about attracting older adults to a community is that the seniors would vote against public school improvements and other issues affecting younger generations. However, many people approach retirement while still caring for children and parents (“sandwich generation”). Analysis of taxing and spending patterns among Florida counties impacted by elder migration since the 1960s, however, did not indicate that this “politics of aging” had materialized. These older adults care about issues affecting children, youth, and the elderly and they typically vote for the greater good of the community.

### **Who Might Move Here? Why Lawrence, Kansas?**

Douglas County is in a good position to attract older adults who move around retirement age for community amenities. Lawrence is situated to attract people from outside of the county or the state because it is a familiar place to those who attended college here. One man who intentionally moved to Lawrence for retirement referred to the town as a “retirement community” during his interview. He told us why:

*~Like I said, [Lawrence] has everything we wanted.... We have access to the metro area if need be, for the arts, but you know there's a lot of that in Lawrence. I think it's an excellent community. I wouldn't have a problem recommending anyone retire here, to be honest.~*

(Married male in his mid-60's. He moved to Lawrence and built a new home here after retirement.)

People who move around retirement age may be attracted to communities with nice weather or golf courses, or access to the arts and other cultural opportunities. College towns are considered a top location for retirees who are move for community amenities, giving strong competition to more traditional retirement locations such as Florida. Lawrence has a variety of community amenities desired by new retirees—it is a small college town, and it is close to a metropolitan area and a major airport. Retirees that we interviewed have told us that they like living in a town with a youthful, college atmosphere; cultural events; and as one man stated, “a winning sports team.” We also have a wide range of opportunities for older adults to be socially, cognitively, and physically active: libraries, outdoor activities, shopping, museums, sporting events, religious institutions, cultural events, and the arts. High quality healthcare is available in town and in nearby Kansas City. A publication from the National Association of Baby Boomer Women explains the attraction of university communities this way, “College Towns: For those who would rather hit the books than hit a golf ball, it's worth consideration.” One cannot help but note that Lawrence has both the college *and* golf courses.

Another aspect of living in Lawrence is a cost of living that is lower than the national average. In Kansas, Lawrence has higher housing costs than elsewhere in the state. However, in comparison with other parts of the country, the cost of living is lower than the national average. In 2008 City-Data listed the cost of living index in Lawrence as 86.8, as compared to the U.S. average of 100.

In summary, Lawrence is in a good position to attract early stage retirees who are moving to be closer to community amenities. The older adults who would be more likely to move here for this reason would be in their 50's and 60's, and have a history with the university or a local industry. They would be attracted by Douglas County's wide range of opportunities to remain socially, intellectually, and physically active.

### **Conclusion**

Lawrence possesses community characteristics that create the opportunity for a unique economic development opportunity. We recommend that Lawrence begin to take the steps to develop and market itself as a premier retirement community. This would include active recruitment of early-stage retirees in their 50's and 60's in combination with other activities to enhance the community's appeal to these retirees. Greater appeal would result from: 1) community ownership of the local aging population and recognition of the assets they bring to Douglas County, 2) creative thinking by the business community about products and services that appeal to older adults, 3) consideration of older adult needs and preferences as community leaders and planners make policy decisions, and 4) the community-university-business partnerships to develop and promote our community amenities. These actions would contribute to an innovative and successful economic plan for Lawrence and Douglas County.

### **References & Bibliography**

Available upon request.

\* Vantage Pointe Foundation is an independent, non-profit corporation founded in 2008 with an initial grant from Douglas County Senior Services, Inc. (DCSS). Its purpose is to provide resources, fund raising and development support for DCSS and aging-related organizations.



2801 West 31st Street  
Lawrence, Kansas 66047  
785•842•0550  
Fax: 785•842•6102

March 4, 2010

**COTTONWOOD**  
INCORPORATED

Douglas County Commissioners Thellman, Gaughan & Flory  
Douglas County Administrator, Craig Weinaug

Dear Commissioners and Mr. Weinaug,

Thank you for the opportunity to share information with you regarding the recent funding cut from SRS and its impact on Cottonwood services.

In December 2009, Governor Parkinson instituted across the board cuts of 10% to Medicaid rates, a 10% cut in State General Funds (SGF) and in Targeted Case Management (TCM) rates. Those cuts went into effect on January 1, 2010. Cottonwood projected the fiscal impact of these cuts at nearly \$350,000 for six months (through the State's fiscal year-end on June 30, 2010).

In late February, in an effort to preserve federally matched dollars for the Developmental Disability System, the House and Senate both approved a conference committee report for Senate Substitute for House Bill 2222, know as the Rescission Bill. Contained in the report was the House amendment which reversed the Governor's 10% cut to the HCBS Medicaid Waiver rates, and instead cut the same amount of SGF from SGF grants and from State Aid, as needed. This amendment is effective for all Waiver billings, retroactively to January 1 of this year, but is not applicable to FY2011 (beginning in July 1, 2010).

While the Rescission Bill results in a similar dollar impact for Cottonwood, it leaves one whole group of individuals without any funding at all - those who are not eligible for the Medicaid Waiver. Cottonwood serves all of the individuals in our area whose services were funded with State General Funds. They include:

- 12 individuals who access both Day and Residential Services
- 14 individuals who access Day Services only
- 2 individuals who access Residential Services only
- Overall – 26 Day and 14 Residential

It is doubtful that this funding will be restored in the FY2011 Budget, given the current economic conditions.

Without Cottonwood's supports and services, these individuals would be without work and potentially homeless. We value our longstanding relationship with Douglas County and I look forward to meeting with you on March 11<sup>th</sup> at 4 PM to work toward a mutually beneficial solution.

Sincerely,



Sharon S. Spratt, CEO

*"We help people with disabilities shape their own futures."*

[www.cwood.org](http://www.cwood.org)

# Memorandum

## City of Lawrence

### Planning & Development Services

**TO:** Planning Commission

**FROM:** Mary Miller, Planner

**CC:** Scott McCullough, Director of Planning and Development Services  
Sheila Stogsdill, Assistant Planning Director

**Date:** For February 22 Planning Commission meeting

**RE:** Item 4: CUP 12-10-09 for Reception Facility at Enright Gardens;  
2351 N 400 Road

Additional information regarding the proposed reception facility was received following the publication of the staff report. The Palmyra Township Fire Chief, Randy De Merserrman, provided suggestions for improving fire protection measures for this facility and a letter was received noting a nearby property owner's concerns about the additional traffic on N 400 Road. A copy of this letter was included as a communication in the agenda packet.

Staff forwarded these comments on to the applicant. The applicant provided letters summarizing their discussions with the fire chief and the Palmyra Township Trustee. Copies of the letters are included with this memo.

#### **FIRE PROTECTION**

The Fire Chief indicated that fire protection would be more efficient if a second access onto N 400 Road were provided. The second access would provide fire trucks a route into the property even if the principal access were blocked. He also wanted assurance that there would be no parking on N 400 Road. The site plan indicates that there is adequate parking being provided on the subject property. As additional assurance, staff recommends that a note be added to the plan which states *"All parking shall occur on the subject property. In no event shall parking be permitted on N 400 Road."*

The property is accessed from one point on N 400 Road. There are two access points at this location; however, they form one route from the reception facility to N 400 Road. (Figure 1) The Fire Chief suggested the addition of an additional access on N 400 Road to provide a route for emergency equipment. The applicant's letter indicated they are working with the fire department on this issue. Staff recommends the following condition be added to the staff report: *"The applicant shall work with the Palmyra Fire Chief to determine if an additional access onto N 400 Road is needed. If the Fire Chief determines an additional access is needed, the CUP site plan shall be revised to show the additional access on N 400 Road in a location acceptable to the Fire Chief and the Douglas County Engineer."*



**Figure 1.** Access on N 400 Road for Enright Gardens. Proposed reception facility marked with X.

### **N 400 ROAD**

Public comment was received from a nearby property owner expressing concern about the additional traffic on N 400 Road. The letter recommended that the road should be improved to safely accommodate the additional traffic if the CUP is approved. The applicant discussed the possibility of improving N 400 Road with the township trustee, Sandy Elliott, who stated that the township plans to widen the road and improve the ditches when the weather permits.

The applicant's letter also discusses the use of calcium chloride and the applicant suggested that they would apply water treatment to the road for dust control prior to a scheduled event, if needed.

### **STAFF RECOMMENDATION**

Staff recommends revising the conditions of approval to include the following:

*"The applicant shall work with the Palmyra Fire Chief to determine if an additional access onto N 400 Road is needed. If the Fire Chief determines an additional access is needed, the CUP site plan shall be revised to show the additional access on N 400 Road in a location acceptable to the Fire Chief and the Douglas County Engineer."*

A note shall be added to the plan which states: *"All parking shall occur on the subject property. In no event shall parking be permitted on N 400 Road."*



Revised recommended conditions of approval (new language shown in **bold** print:

1. **The applicant shall work with the Palmyra Fire Chief to determine if an additional access onto N 400 Road is needed. If the Fire Chief determines an additional access is needed, the CUP site plan shall be revised to show the additional access on N 400 Road in a location acceptable to the Fire Chief and the Douglas County Engineer.**
2. Applicant shall provide a revised site plan with the following changes:
  - a. Show minimum required ADA accessible parking spaces (3) with two of them being near the entry to the reception facility.
  - b. Provision of the following notes on the face of the plan:
    - i. *"Events, excluding clean-up, shall conclude at midnight. Requests for all-night events must be provided to the Board of County Commissioners for consideration following mailed notification of property owners within 1000 ft."*
    - ii. *"The property owner shall apply dust-preventative measures on N 400 Road between E 2300 and E 2400 Roads, as needed to minimize dust from event traffic."*
    - iii. *"The on-site sewage management system must be approved by the County Health Department prior to operation of the facility."*
    - iv. *"Use of building is subject to building code and occupancy permits as applicable per the County Building Code".*
    - v. ***"All parking shall occur on the subject property. In no event shall parking be permitted on N 400 Road."***

February 22, 2010

Re: Palmyra Fire Chief Suggestions

Dear Mary,

We are writing in response to your email regarding suggestions provided by the Palmyra Fire Chief, Randy DeMerserrman. We followed up with Randy after receiving your email.

We discussed the availability of ample parking South of our facility, which would eliminate the need or concern regarding on-road parking at our events. We also discussed the possibility of creating a third entrance, which could be near our only water source of a 20,000 gallon holding tank. If we decided to do this, we could share this for other emergency needs in the neighborhood.

Although the items discussed were only suggestions for improvement, they are important to us and we will work towards them.

Thank you,

Steve Enright  
Enright Gardens

February 22, 2010

Re: North 400 Road

Dear Mary,

We are writing in response to your email about the concerns of North 400 road regarding the width of the road and ditches. We have discussed this matter with the Palmyra Township Trustee, Sandy Elliott.

Sandy confirmed when weather permits, the township will begin maintenance work on roads within the township, including North 400 road. Their plans are to first build a base, widen it with better ditches and then apply rock on top.

We also discussed the treatment of calcium chloride for dust control. However, gravel roads need to be graded on a timely basis, which will result in the road needing to be treated with calcium chloride again. Enright Gardens is prepared to apply water treatment to the road for dust control prior to a scheduled event, if needed.

Thank you,

Steve Enright  
Enright Gardens

Sandy Elliott  
Palmyra Township Trustee

A handwritten signature in cursive script that reads "Sandy J. Elliott".

**PLANNING COMMISSION REPORT**  
**Regular Agenda – Public Hearing Item**

PC Staff Report  
02/22/10

**ITEM NO. 4:      CONDITIONAL USE PERMIT; ENRIGHT GARDENS; 2351 N 400 RD  
                          (MKM)**

**CUP-12-10-09:** Consider an amended Conditional Use Permit for Enright Gardens to add a Reception Hall to the previously approved uses, located at 2351 N 400 Rd, Edgerton. Submitted by Robert Enright, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of an Amended Conditional Use Permit for the addition of a reception hall to Enright Gardens, located at 2351 N 400 Road and forwarding of it to the County Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report subject to the following conditions:

1. Applicant shall provide a revised site plan with the following changes:

- a. Show minimum required ADA accessible parking spaces (3) with two of them being near the entry to the reception facility.
- b. Provision of the following notes on the face of the plan:
  - i. *"Events, excluding clean-up, shall conclude at midnight. Requests for all-night events must be provided to the Board of County Commissioners for consideration following mailed notification of property owners within 1000 ft."*
  - ii. *"The property owner shall apply dust-preventative measures on N 400 Road between E 2300 and E 2400 Roads, as needed to minimize dust from event traffic."*
  - iii. *"The on-site sewage management system must be approved by the County Health Department prior to operation of the facility."*
  - iv. *"Use of building is subject to building code and occupancy permits as applicable per the County Building Code".*

**Reason for Request:** Applicant's response: *"To change the CUP permit to allow for receptions and meetings and hands-on workshops in agriculture business."*

**KEY POINTS**

- The property currently houses commercial greenhouses. The County Commission approved CUP [CUP-12-11-01] for the greenhouses and limited retail sales on February 13, 2002.
- The proposed CUP is to allow for a recreational assembly use in addition to the previously approved use: limited retail sales accessory to a commercial greenhouse operation.

**GOLDEN FACTORS TO CONSIDER**

**ZONING AND USES OF PROPERTY NEARBY**

- A (Agricultural) District; agricultural properties and rural residences.

**CHARACTER OF THE AREA**

- The applicant owns approximately 50 acres; although only 15 are included in this CUP request. Generally, the northern portion of the property is developed with the existing Enright Gardens greenhouses and retail sales. The remainder of the property consists of farmland. Land uses in the surrounding area are predominantly agricultural and rural residential.

**SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED**

- The current zoning designation for the property is A (Agricultural) District, a district in which many different agriculture-related uses are allowed. Commercial greenhouses are permitted by right in the A District and other commercial uses which are determined to be compatible with the character of the area are permitted with the approval of a Conditional Use Permit. Other uses at this property include limited retail sales of products not grown on the property which is permitted with a Conditional Use Permit (CUP-12-11-01). A *recreation facility* is also an allowed use in the A District with approval of a Conditional Use Permit (CUP).

The proposed use is compatible with the property's current zoning of A (Agricultural) District with approval of a Conditional Use Permit. Approval of the amended CUP request will not revise the underlying zoning district.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- Approval by Board of County Commissioners
- If approved, new and/or converted buildings will be subject to county building code requirements.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

No public comment was received.

**GENERAL INFORMATION**

Current Zoning and Land Use: A (Agricultural) District; existing agricultural property with commercial greenhouses and limited retail sales.

Surrounding Zoning and Land Use: A (Agricultural) District in all directions; agricultural uses and rural residences.

**Site Summary**

Subject Property Conversion of an existing agricultural accessory structure to a reception hall.

CUP activity is located on 3 parcels containing approximately 15 acres.

**Parking Requirements:**

Parking Required for the retail use (Per CUP-12-11-01): 18 parking spaces

Parking Required for the reception use: 40 spaces

1 space per 100 sq ft of floor area (Section 12-316-1)

Building area: 3920

Total Parking Required: 58 spaces (including 3 ADA accessible spaces)  
Total Parking Provided: 58 (1 ADA accessible space)

## I. ZONING AND USES OF PROPERTY NEARBY

**Staff Finding** – The subject property is made up of multiple parcels under the applicant's ownership and is Zoned A (Agricultural) District. The surrounding area is zoned A (Agricultural) and the primary land uses are agriculture and rural residential.

## II. CHARACTER OF THE AREA

**Staff Finding** – The subject property is located in the southeastern portion of the county approximately 2 miles north of Highway 56, about ½ mile west of the Douglas/Johnson County line. This is a rural area which is used primarily for agriculture and rural residential purposes.

## III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant's response:

*"Agriculture. There is an existing CUP permit for greenhouse, nursery business."*

**Staff Finding** – A Conditional Use Permit (CUP) does not change the base, underlying zoning. The suitability of the property for agricultural and residential purposes will not be altered with the granting of the CUP. The property is currently used for agricultural purposes and has been developed with commercial greenhouses. Limited retail sales in conjunction with the greenhouse sales have been approved with a CUP. The property is suitable for the uses to which it has been restricted.

## IV. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

**Staff Finding** –County Zoning Regulations were adopted in 1966; this property has been zoned "A (Agricultural)" since that time. The property is currently developed with multiple buildings including residential, commercial greenhouses and agricultural structures and uses.

## V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

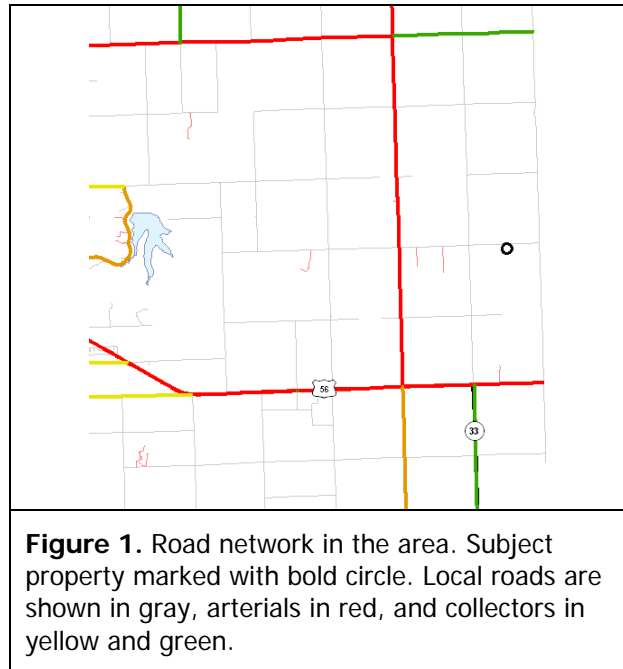
Applicant's Response: *"None. We have had a CUP permit for years. We have not had any problems from our neighbors and we have invested our livelihood, so we will be sure to always try 100% to keep it that way."*

Section 12-319-1.01 of the County Zoning Regulations recognize that *"certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited."* The proposed use falls under *Use 11. Recreation Facilities* listed in Section 12-319.4 Conditional Uses Enumerated, of the Zoning Regulations for the unincorporated areas of Douglas County.

Approval of the request will not alter the base zoning district. If approved the existing machine barn would be renovated (subject to building permit review and approval) for an assembly/recreation type use.

The property is located along a local road, approximately 2 miles north of Highway 56 and about 1.5 miles east of E 2200 Road (County Route 1061), which is classified as a principal arterial on the major thoroughfares map. (Figure 1)

Even though the property is within close proximity of these principal arterials/highways, visitors to the reception facility will need to travel on local roads to access this property. Traffic and noise impacts associated with the greenhouse/retail sales use have existed in the area for over 20 years; however, this use will increase the amount of traffic to the site. N 400 Road is a township road. (Figure 2) The Palmyra Township Trustee indicated that the additional traffic would not create any maintenance issues for their road crew; and recommended that a dust treatment be applied to the road to reduce the amount of dust.



Staff recommends that hours of operation be limited to midnight, not including clean up time following the events. The applicant had mentioned that a local school had contacted them

about possibly using their facility for an all-night after-prom party location. To insure compatibility with neighboring land uses, any 'all-night' uses should be placed on the County Commission agenda for consideration. Public notice should be provided to nearby property owners, within 1000 ft, prior to the County Commission meeting. Staff also recommends that the applicant provide dust palliative treatment to the east and west intersections of E 2300 and E 2400 Roads, where it would be expected that traffic would diverge into different directions and would be of less intensity from the intersections on.

**Staff Finding** – Approval of the request will allow for additional activity in the area which may result in negative impacts for such as increased traffic and dust on the nearby roads and increased noise associated with the events. The rural location is a principal factor in the location of this facility; however, it is necessary that the use be limited as needed to maintain the rural character of the area and reduce any negative impacts on neighboring properties.

#### **VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS**

Applicant's Response:

*"We would be able to fulfill the need for public meetings, receptions, and agriculture and greenhouse seminars in our area of Douglas County. It could increase tax revenue for county."*

Evaluation of the relative gain weighs the benefits to the community-at-large vs. the benefit of the owners of the subject property.

The approval of the CUP would provide an additional location for gatherings, meetings and other recreational uses and would allow the property owners to supplement their agricultural income with agri-tourism uses. Denial may benefit the surrounding property owners as additional traffic and noise may be associated with the use unless effective management techniques are utilized to minimize any negative impacts. Denial would prevent the land-owners from engaging in this form of agri-tourism which would increase the revenue they make from the rural/agricultural property.

**Staff Finding** – Approval of the Conditional Use Permit may indirectly benefit the community by adding to the agritourism in the area, thus strengthening the agricultural base. Approval would not directly harm the public health, safety and welfare; however the increase in traffic may present negative impacts for the area. Restrictions on the hours of operation will help minimize the negative impacts.

#### **VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN**

An evaluation of the conformance of a Conditional Use Permit request with the comprehensive plan is based on the strategies, goals, policies and recommendations contained within *Horizon 2020*. The comprehensive plan does not directly address Conditional Use Permits. *Horizon 2020* recommends preserving the agricultural use of land in unincorporated areas of Douglas County and discourages non-farm residential development outside the UGA.



**Staff Finding** –The proposal is in conformance with the comprehensive plan. The requested uses would preserve the agricultural use of the land by allowing the property owner to develop an agri-tourism business which would not require development of the property or result in non-farm residential development.

### **STAFF REVIEW**

The subject property is not located within any identified Urban Growth Area. Access to the reception facility will be provided via an existing driveway on N 400 Road. The proposed reception hall would be located within the interior of the site and buffered from N 400 Road by the greenhouses and flower garden. The distance separating the reception facility and residences in the area and the greenhouses located between the facility and N 400 Road will serve to buffer the proposed use from the surrounding properties. There are a few residences within ¼ mile of the proposed reception hall. Figure 3 shows the layout of the subject property and identifies the area within ¼ mile of the reception facility.

The applicant's plans include events such as anniversaries, wedding receptions, reunions, Christmas gatherings and agricultural/gardening classes. They intend to rent the facility primarily on Friday or Saturday afternoons and evenings. The applicant indicated that businesses have expressed an interest in having meetings or luncheons there and they have been contacted by a high-school about using the site for an all-night prom party. As mentioned earlier, Staff recommends that events conclude by midnight; if a special all-night event is contemplated, it should be made as a special request to the Board of County Commissioners with notice provided to nearby property owners.

The applicant intends to schedule any large reception after their retail closing hours so the uses would not conflict with each other. They have discussed their building plans with Keith Dabney, Director of Zoning and Codes, who stated that the building occupancy could be as high as 200 to 220 people. The applicants intend to limit their events to no more than 150 people per event. As mentioned earlier, the larger events will produce a significant amount of traffic on N 400 road which could result in dusty conditions. Staff recommends the use of a dust palliative on N 400 Road to the intersections to the east (E 2400 Road) and west (E 2300 Road).

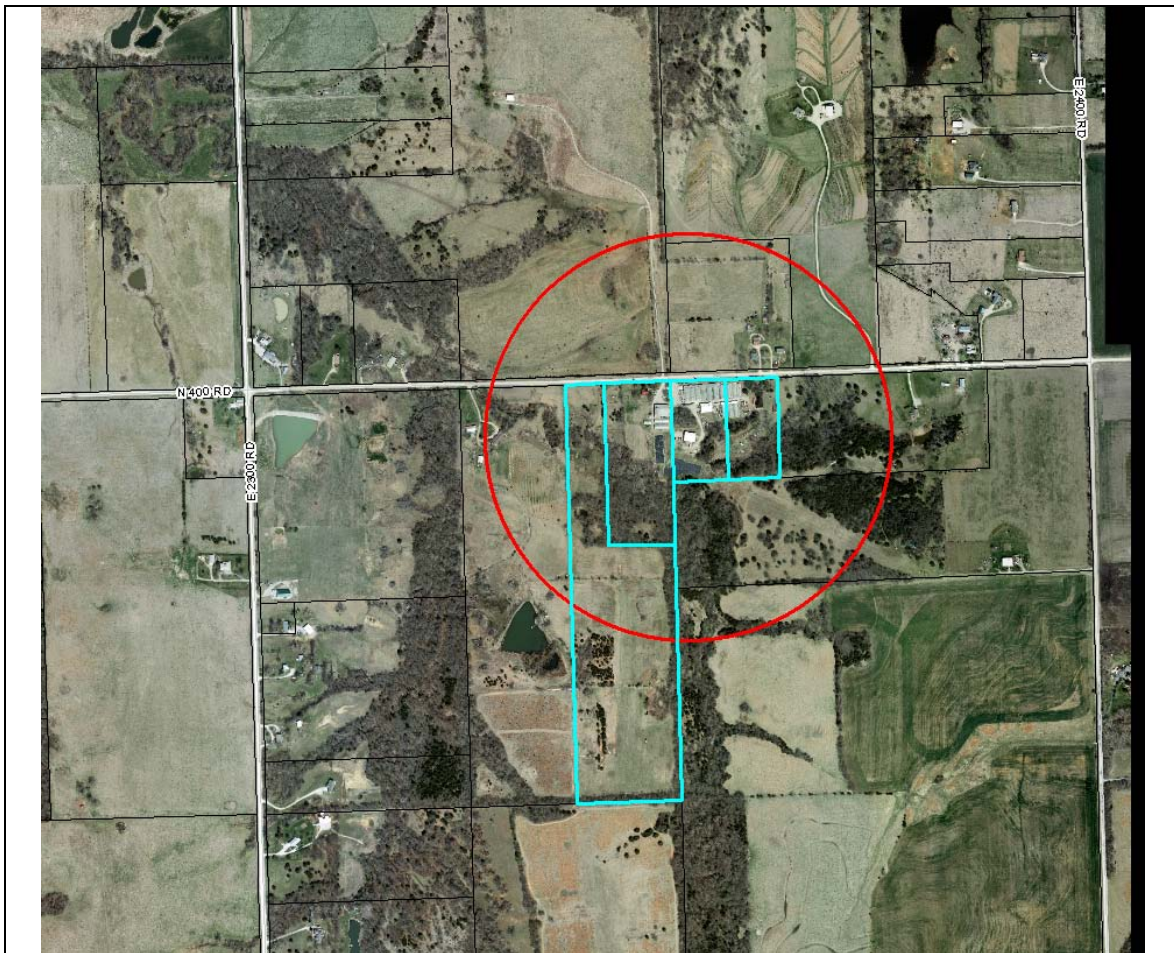
**Parking:** Required parking for the use is one space per 5 seats for Auditorium, theater, gymnasium stadium, arena or convention hall or 1 space per 100 sq ft of building (Section 12-316-1 County Zoning Regulations). No permanent seating is being proposed with this use; therefore, the parking requirement is calculated at the ratio of 1 space/100 sq ft. A 3920 sq ft reception facility would require 40 parking spaces and the previously approved greenhouse/nursery/retail sales use required 18 spaces. There is an area south of the reception facility parking area identified on the plan for overflow parking. The site plan shows that 58 parking spaces are being provided for both the reception and retail sales uses. The plan shows 1 ADA accessible space next to the retail area. Per Section 12-316-1.01 of the Zoning Regulations, a parking lot with between 51 and 75 parking spaces would be required to have 3 ADA accessible parking spaces. Two additional ADA accessible parking spaces must be installed as near as possible to the entrance to the reception facility.

**Screening:** The building to be utilized as the reception hall is located in the interior of the site, and is bordered by greenhouses to the north, the garden and residence to the west, and additional property owned by the applicant to the south and east. (Figure 3) No screening is required for the additional use.

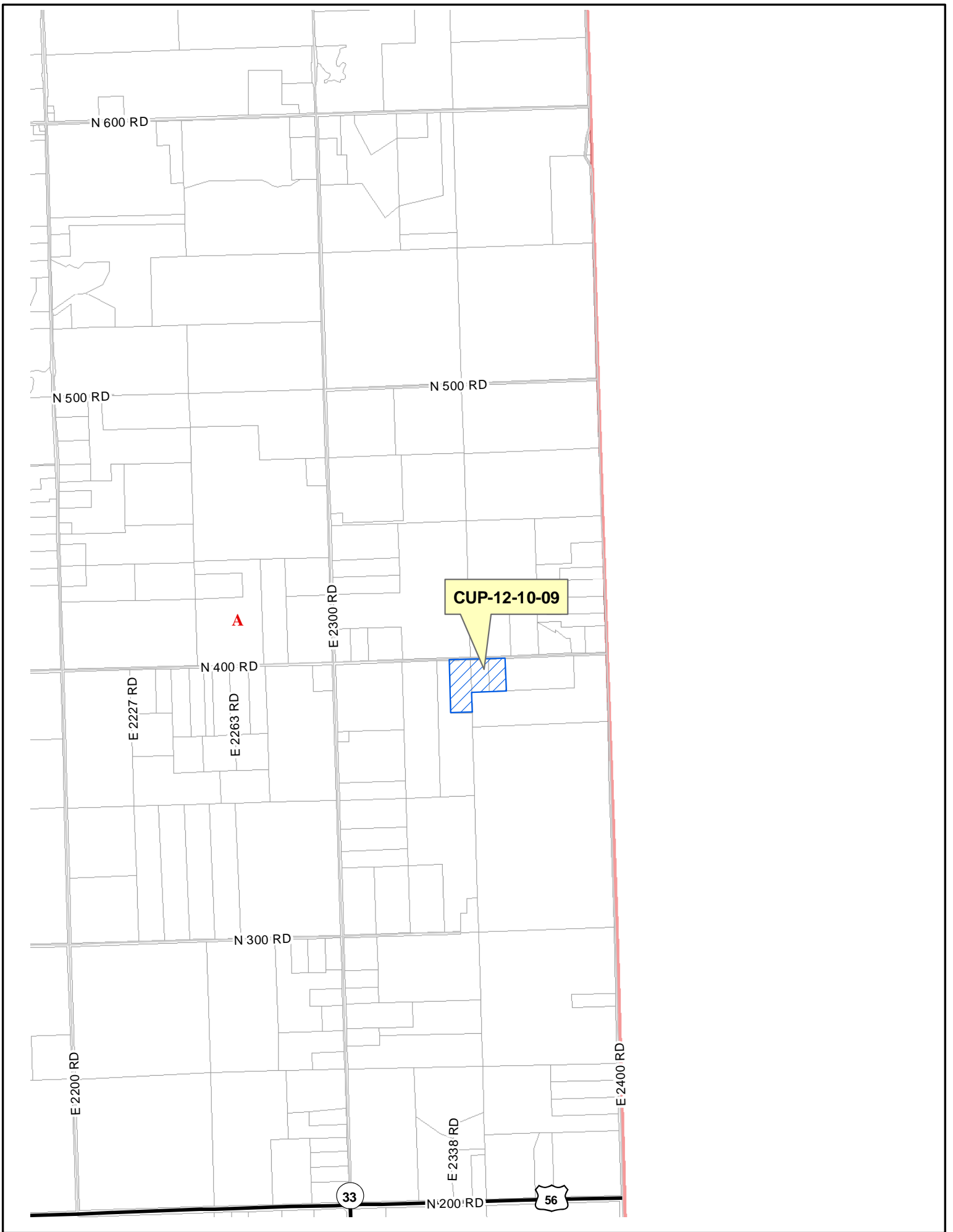
**Limits and Conditions:** The applicant indicated that they plan on hosting events primarily on Friday and Saturdays and that they would limit the size of their events to no more than 150 guests. Given the location of the facility on a graveled, township road, staff recommends that a dust treatment measure such as a dust palliative shall be installed along N 400 Road between the two intersecting roads to the east (E 2400 Road) and west (E 2300 Road). Staff also recommends that all events conclude at midnight, excluding clean-up. Any requests for an all-night event shall require approval of the Board of County Commissioners and shall be placed on the agenda following written notification of property owners within 1000 ft.

**Conclusion**

The proposed CUP, as conditioned, complies with the County Zoning Regulations and the land use recommendation of *Horizon 2020*.



**Figure 3.** Property owned by the applicant is outlined in blue. Area within ¼ of the proposed facility is outlined in red.



N 600 RD

N 500 RD

N 500 RD

A

CUP-12-10-09

N 400 RD

E 2227 RD

E 2263 RD

E 2300 RD

N 300 RD

E 2200 RD

E 2338 RD

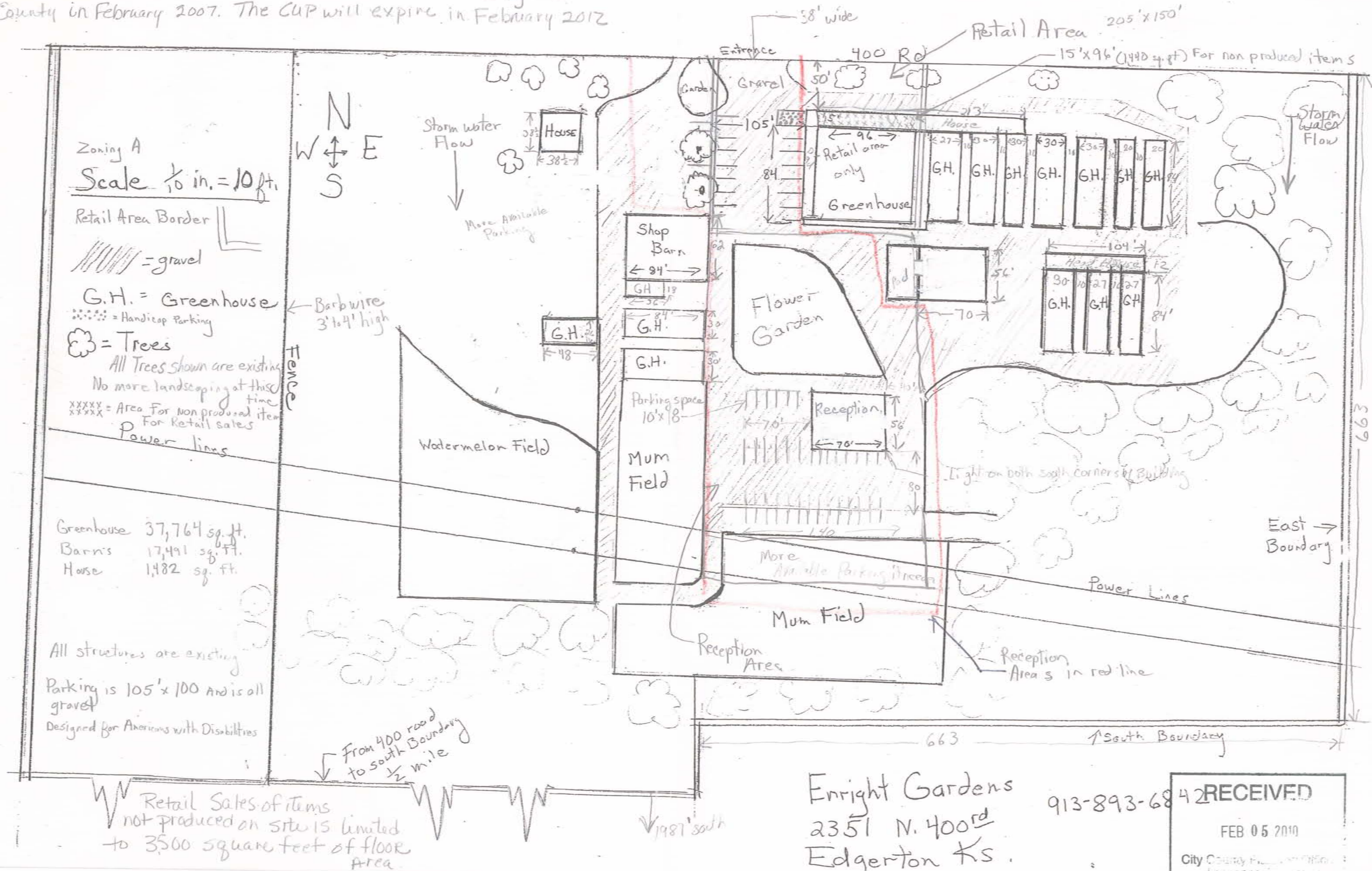
E 2400 RD

33

N 200 RD

56

The Conditional USE Permit will be re-evaluated by the County in February 2007. The CUP will expire in February 2012



Zoning A  
Scale 1/10 in. = 10 ft.

Retail Area Border  
 // = gravel  
 G.H. = Greenhouse  
 . . . = Handicap Parking  
 ☁ = Trees  
 All Trees shown are existing  
 No more landscaping at this time  
 XXXXX = Area For non produced items For Retail sales  
 Power lines

Greenhouse	37,764 sq. ft.
Barn's	17,491 sq. ft.
House	1,482 sq. ft.

All structures are existing  
 Parking is 105' x 100' and is all gravel  
 Designed for Americans with Disabilities

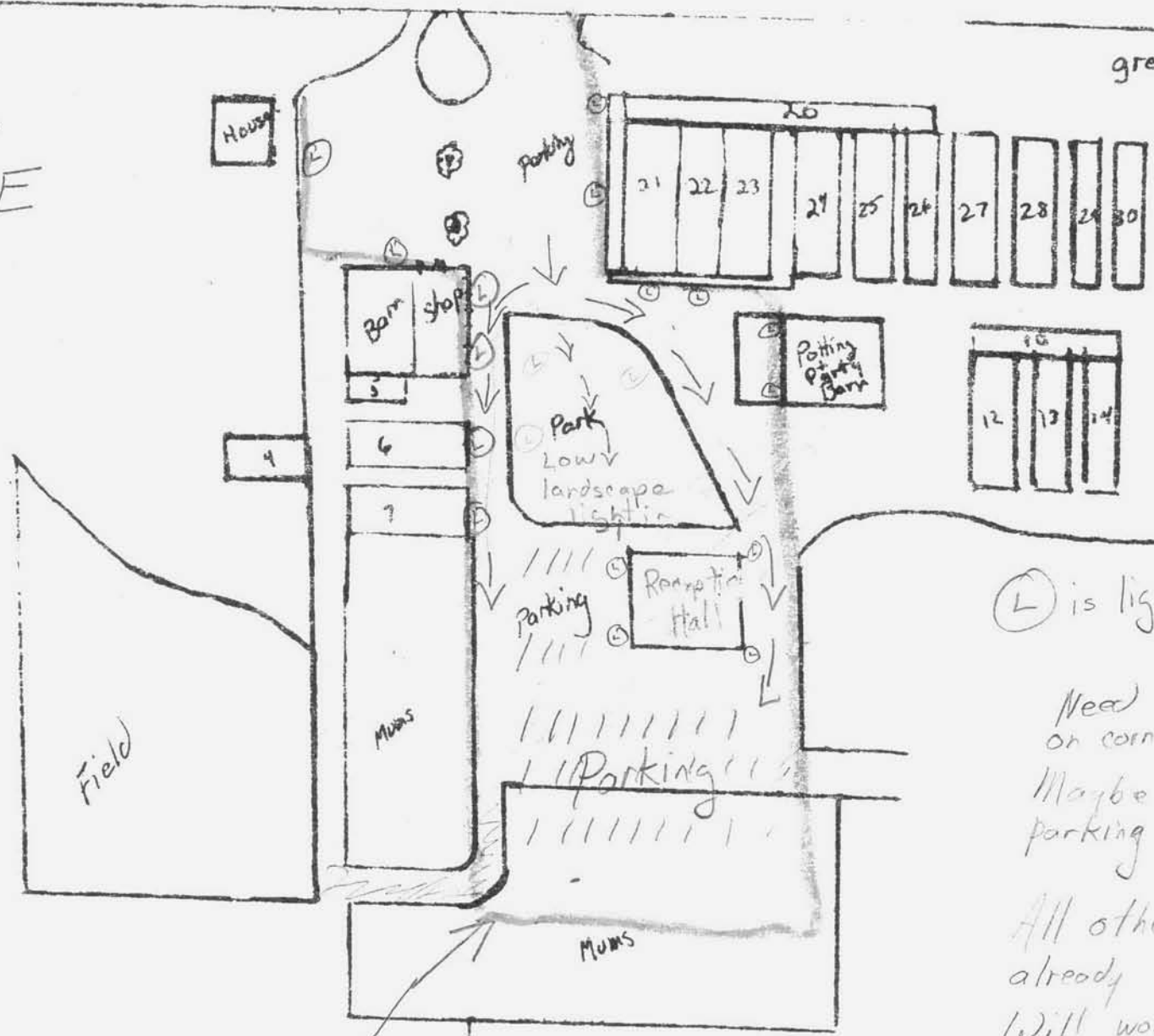
Retail Sales of items not produced on site is limited to 3500 square feet of floor Area.

Enright Gardens  
 2351 N. 400<sup>rd</sup>  
 Edgerton Ks.

913-893-6842  
**RECEIVED**  
 FEB 05 2010  
 City County Planning Commission  
 Lawrence, KS

W + E  
N  
S

greenhouse = casaverde  
Lighting



RECEIVED  
 FEB 05 2010  
 City County Planning Office  
 Lawton, Oklahoma

(L) is light

Need to put lights on corners of Hall  
Maybe more in south parking of hall.

All other light is already there.  
Will work with Keith with more if needed

Arrow show different walkways  
From north parking to South Parking

Area involved in reception

Shaded Areas are rocked

All walking areas are already rocked



RECEIVED

Feb 17, 2010

FEB 23 2010

City County Planning Office  
Lawrence, Kansas

Douglas County Planning  
and Development Services  
6 East 6<sup>th</sup> St  
Lawrence, KS 66044

Dear Committee Members,

In regard to your letter of Jan. 29, 2010 in which you informed us of the consideration of a use permit for Enright Gardens to add a reception hall to the previously approved uses, I'm writing to oppose this new permit.

The Enrights are good neighbors and we did not object to the previous permits which allowed for the expansion to their business, but there are several reasons for my opposition to a reception hall:

- (1) This business can only be reached from gravel roads and in the spring & summer the traffic generated creates bad dust problems for both homes along the road and cars meeting other cars.
- (2) During the spring several semi-trucks frequently pass our house. Some are going at moderate speeds, but others seem to believe they are still on the highway. Our road was not built to handle such large trucks.
- (3) I assume this reception hall would be used for weddings, parties and other large crowd activities. This could only add to the already heavy traffic generated by

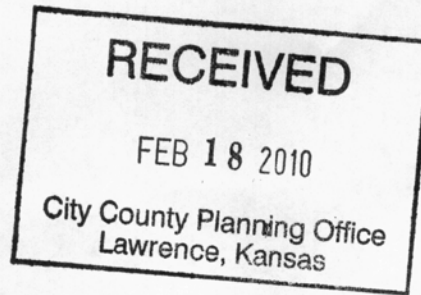
the nursery. Since there are many families on our road who own horses and ride along our roads, and children on bikes who ride up & down this road, and finally people who exercise by running or walking on our road, I don't believe it is fair or safe for them to have to curtail their activities or risk facing increased cars using our road.

(4) I can only assume that many individual planning receptions or other parties will expect to be allowed to have alcohol at these events. Given my #3 reason for opposing this permit, you can understand why this seems dangerous to me. Even if Steve does not allow alcohol, unless he searches every party-goer, he cannot prevent alcohol from coming in in purses, pockets & cars. Please give consideration to these objections.

Sincerely,

Robert & Patricia Lowe  
360 E. 2300 Rd  
Edgerton, Kans. 66021

Rick & Jackie Lowe  
372 E. 2300 Rd  
Edgerton, KS 66021



2368 N 400 Road  
Edgerton, KS 66021  
February 15, 2010

Lawrence-Douglas County Metropolitan Planning Commission  
6 East 6<sup>th</sup> Street  
P.O. Box 708  
Lawrence, KS 66044

Re: CUP-12-10-09 Permit for Enright Gardens

Dear Commission Members:

North 400 road between County Road 1061 (East 2200 Rd) and the Johnson County line (East 2400 Rd) should be evaluated and improvements made if a permit for a reception hall is granted to Enright Gardens. A reception hall will increase traffic year around including night time hours and winter months.

At a minimum, the mile between 2300 road and 2400 road should be improved. The ½ mile east of 2300 Rd to Enright Gardens is very hilly and narrow and especially in winter is extremely dangerous. Several driveways enter this road in the first ¼ mile, one which is a blind driveway on the north located on the east side of the steepest hill with a creek at the bottom and no guardrails. It is also a school bus stop. Too many drivers top the hill in the middle of the road. Just west of Enright's water runs down the road year around. Over the years vehicles have been pulled from the ditch on the north side. Maintenance of this road needs to increase.

Approving additional business that increases traffic without upgrading the road will be dangerous not only to current residents but to all traveling this road. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Jeff McTaggart". The signature is written in black ink and is positioned above the printed name.

Jeff McTaggart



**ITEM NO. 4      CONDITIONAL USE PERMIT; ENRIGHT GARDENS; 2351 N 400 RD (MKM)**

**CUP-12-10-09:** Consider an amended Conditional Use Permit for Enright Gardens to add a Reception Hall to the previously approved uses, located at 2351 N 400 Rd, Edgerton. Submitted by Robert Enright, property owner of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

Commissioner Finkeldei asked if the midnight ending time is consistent with previous Conditional Use Permits that they have seen.

Ms. Miller said she believed it was consistent with previously approved Conditional Use Permits.

Commissioner Carter inquired about dust treatment to the roads and asked if that would be before each event.

Ms. Miller said it would depend. The applicant could do a dust palliative which is a chemical that is put on the road once a season. She said the applicant suggested spraying the road with water prior to the events to keep the dust down.

Commissioner Carter asked if spraying the roads with water was adequate for dust treatment.

Ms. Miller said yes, she believed so.

Commissioner Moore inquired about the 1000' notification to neighbors and if that extended into another county.

Ms. Miller said the 1000' was within Douglas County.

Commissioner Rasmussen asked why staff suggested a curfew and then also suggested all night events.

Ms. Miller said none of the other receptions had suggested an all night event. She gave the examples of a Boy Scout troop wanting to spend the night or a school after prom party. She said Planning staff would not be comfortable recommending a blanket approval for all night permits. She thought that if an event went to County Commission and had public notice so the neighbors could be involved that some events may be appropriate for approval.

Commissioner Rasmussen inquired about the timeframe for all night events to be heard by County Commission.

Ms. Miller said the County Commission meets every week and that it would probably take less than a month for an event to be approved since the neighbors would need advance notice.

**APPLICANT PRESENTATION**

Mr. Steve Enright thanked staff for their work. He said regarding the dust control he did not want to get tied up with spraying the calcium chloride because that can be thousands of dollars. He suggested putting water on the roads before each event instead. He said they will work with the fire department on another entrance. He said they have a 20,000 gallon tank that the fire department can use if needed.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Finkeldei asked if the condition needed to specifically state that water was okay to use for dust control.

Ms. Miller said no, the condition does not need to specifically state water.

All the Commissioners were under the assumption that applying water to the roads would be an appropriate form of dust control.

Commissioner Harris said she liked the creative solution of having overnight activities being heard by the Board of County Commissioners.

### **ACTION TAKEN**

Motioned by Commissioner Harris, seconded by Commissioner Carter, to approve the amended Conditional Use Permit for the addition of a reception hall to Enright Gardens, located at 2351 N 400 Road and forwarding of it to the County Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report subject to the following conditions:

1. The applicant shall work with the Palmyra Fire Chief to determine if an additional access onto N 400 Road is needed. If the Fire Chief determines an additional access is needed, the CUP site plan shall be revised to show the additional access on N 400 Road in a location acceptable to the Fire Chief and the Douglas County Engineer.
2. Applicant shall provide a revised site plan with the following changes:
  - a. Show minimum required ADA accessible parking spaces (3) with two of them being near the entry to the reception facility.
  - b. Provision of the following notes on the face of the plan:
    - i. *"Events, excluding clean-up, shall conclude at midnight. Requests for all-night events must be provided to the Board of County Commissioners for consideration following mailed notification of property owners within 1000 ft."*
    - ii. *"The property owner shall apply dust-preventative measures on N 400 Road between E 2300 and E 2400 Roads, as needed to minimize dust from event traffic."*
    - iii. *"The on-site sewage management system must be approved by the County Health Department prior to operation of the facility."*
    - iv. *"Use of building is subject to building code and occupancy permits as applicable per the County Building Code".*
    - v. *"All parking shall occur on the subject property. In no event shall parking be permitted on N 400 Road."*

Unanimously approved 9-0. Student Commissioner Shelton voted in favor.

## MEMORANDUM

To : Board of County Commissioners

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

Date : March 2, 2010

Re : Consider approval of 2011-2015 Five-Year Plan request for federally funded projects

The five-year plan is a listing of projects utilizing federal funds administered by KDOT. A five-year plan request for the following five-year period is updated each year and submitted to KDOT. Our current five-year plan (2010-2014) includes the following projects with status shown in parentheses:

- Project No. 23 C-4123-01; Replacement of Route 1057 bridge over the Wakarusa River (Engineering design underway. Scheduled for January 2012 bid opening date.)
- Project No. 23 C-0045-01; Route 458 from Rte 1 east & north to N 1175; Reconstruct 3 curves to 55-mph design speed, rehabilitate remaining tangent sections including adding 6-foot wide paved shoulders, mill & overlay, replace 5 box culverts (one is bridge size). Project length = 4.25 miles. Estimated construction cost = \$3,705,000. (Engineering design has not begun. Scheduled for January 2015 bid opening date.)

For FFY 2011-2015, KDOT estimates Douglas County will receive \$732,339 per year in "obligation authority" for federal funds. For the last several years, our obligation authority has been approximately \$450,000 to \$480,000 per year. Given Douglas County's estimated FFY 2010 carryover balance of \$992,724, KDOT estimates a total of \$5,386,759 in federal funds will be available for programming Douglas County projects for the 2011-2015 five-year period. (Please note KDOT allows six years of funds for programming their 5-year plans.) The two projects above consume our available programming funds for the five-year period.

In addition to the two projects above, KDOT notified us one of our High Risk Rural Roads (HRRR) project requests was approved for funding. The approved project is reconstruction of the Route 6 curve approximately ½-mile south of the town of Clinton. The existing 20-mph curve will be reconstructed to a 45-mph curve. HRRR funding is 90% federal/10% local. This project is approved for up to \$500,000 federal funding. We plan to design this project in-house, and begin construction in September 2012 after Labor Day. HRRR funding is in addition to our annual allotment of federal funds obligation authority.

Attached is a copy of the proposed 2010-2014 five-year plan request to KDOT. The opportunity for public input into the Five-Year Plan project selection process is required. The BOCC should solicit public comment.

Action Required: Accept public comment on the proposed five-year plan update, and determine the projects to be included in the plan.

Listed below please find your Five-Year plan included in Fiscal Years (FY) 2011 - 2015 Five-Year Construction Program. Please review and indicate priorities for projects in FY 2011 - FY 2015. Indicate any corrections or additions and return a copy of this sheet with an attached map indicating project locations to the BUREAU OF LOCAL PROJECTS.

**FUND CLASS:**

STP = Construction Cost X 0.80 X 1.15

BRO or BRS = Construction Cost X 0.80 X 1.15

SAF = Construction Cost X 0.90 X 1.15

(1)	Indicates the priority given by the county in previous year's submission.
(2)	Indicates column to prioritize the order the county would like for projects to be let during FFY 2011- FFY2015. Changing the priority may result in having to revise the fiscal year the project is to be let.

County Name	Co No	Project No.	Location Description	Length (Miles)	Work Type	Proposed Let Date			Const Cost (\$1,000)	Federal Funds (\$1,000)	Fund Class	(1)	(2)
						Mo	Yr	FFY				2011-15 County Priority	2011-15 County Priority
Douglas	23	C-4123-01	2.0 mi W & 1.0 mi S of Eudora	0.100	Gr,BrRehab,Su	1	112	2012	2073	1907	STP-	1	1
Douglas	23	C-0045-01	RS-458 FROM RT 1 TO APPROX 1175 E 1000 RD	4.250	Gr,Su	1	115	2015	3705	3409	STP-	2	3
Douglas	23		RS-6, 0.5 mi. S of Clinton	0.2	Gr, Su	6	2012	2012	541	500	HRRR		2

\* Indicates Maximum Federal Funds due either to request by county or insufficient federal funds in 5-year Plan to fully fund project.

  
 County Engineer or County Official

3/2/2010  
 Date

**AD - Crabtree, Robin**

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**From:** AD - Weinaug, Craig  
**Sent:** Tuesday, February 16, 2010 10:13 AM  
**To:** Nancy Thellman; James Flory; Mike Gaughan  
**Cc:** SH - McGovern, Ken; AD - Crabtree, Robin  
**Subject:** Noise Ordinance Request  
**Attachments:** NoiseOrdinanceReq120210.docx; Noise Ordiance.pdf; Hr 93-6-5 Nuisances.pdf

Commissioners:

Attached please find three documents related a citizen request for a Douglas County noise ordinance:

- 1) A copy of an e-mail dated December 2, 2009 expressing the citizen request for a noise ordinance.
- 2) A copy of a sample noise ordinance from Person County, North Carolina.
- 3) County HR Resolution 93-6-5 prohibiting nuisances

The issue before the County Commissioners would be whether the County should adopt a noise ordinance that might provide a useful tool for Sheriff's deputies when they are called out to deal with such disputes. The enforceability of such ordinances is challenging at best. The extent to which they are enforceable is dependent upon several factors including the the priorities of the district attorney, the willingness of neighbors to participate in the enforcement actions against one another, and the willingness of the courts to apply such regulations to specific situations. You will need to get the Sheriff's input in the discussion of this request.

The Person County ordinance is provided as a sample of what such ordinances address, not as a specific recommendation.

County HR Resolution 93-6-5 was adopted about fifteen years ago by the County Commission. As far as I can recall, it has never been used in any enforcement action. I suspect that it has not been used because its definition of nuisance is too broad to make it a practical tool for any enforcement official to use.

I am tentatively placing this issue on the County Commission agenda for March 10th in the 6:35 session.

Craig

-----Original Message-----

From: akugler@sunflower.com [mailto:akugler@sunflower.com]

Sent: Wednesday, December 02, 2009 3:42 PM

To: Kugler, Kveta

Subject: Fwd: Douglas County Noise ordinance

--- Forwarded message from Anthony Kugler <akugler@sunflower.com>

---

Dear mister Weinaug,

I spoke to you some time ago about our problems with noisy neighbors who are disturbing our area with their four-wheelers, trucks without mufflers, noisy cars, etc. The main complaint was that many times they drive those vehicles from night until the morning hours and there is no legal way to make them stop. I myself called the police many times (as well as many of our other neighbors) and was shocked by their explanation that there is really nothing they can do, except to "ask" the people to stop their noisy activity. They expressed to me that they wished there was a County noise ordinance they could enforce, instead of wasting their time like this. This group of young people is very well known to them, they are being called many times because of them for various reasons -- noise, trespassing, illegal driving of the four-wheelers on our road, etc. They also bring a lot of mud on the road, jumping their vehicles across 1100 Rd, which could be very dangerous if somebody would be driving on the road at the same time.

I would like to ask you to pass my request to the County Commissioners, to consider adopting a Douglas County noise ordinance. I found on the internet some examples of similar ordinances where it's clear that the main purpose is to help ordinary citizens in extreme situations. The purpose is not to punish those creating temporary noise through non-malicious activity. The purpose is for them to merely use common sense. Below is an excerpt from North Carolina, which I am also attaching as well for you convenience.

\*It shall be unlawful for any person, or group of persons, regardless of number, to willfully make, continue, or cause to be made or continue, or assist in making or continuing, any loud, raucous and disturbing noise. For the purposes of this ordinance, such noise shall mean any sound which, because of its volume level, duration, and character, (i) annoys, disturbs, injures, or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within Person County, or (ii) interferes seriously with neighboring residents reasonable use and enjoyments of their properties. \*

None of us are trying to prevent farmers from working the fields, construction workers from building houses, or church bells from ringing - - but we should not be experiencing sleep

deprivation, because of a bunch of unruly teenagers. I fully trust our local police to make the judgment about what is "reasonable". They are always willing to help and a County noise ordinance could provide the legal vehicle for them to do so.

Thank you very much for your help

Kay Kugler

1235 N 1100 RD  
Lawrence, KS 66047  
785-843-8516  
akugler@sunflower.com

## PERSON COUNTY NOISE ORDINANCE

### BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF PERSON COUNTY, NORTH CAROLINA:

1. The title of this Ordinance shall be the "Person County Noise Ordinance."
2. It shall be unlawful for any person, or group of persons, regardless of number, to willfully make, continue, or cause to be made or continue, or assist in making or continuing, any loud, raucous and disturbing noise. For the purposes of this ordinance, such noise shall mean any sound which, because of its volume level, duration, and character, (i) annoys, disturbs, injures, or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within Person County, or (ii) interferes seriously with neighboring residents' reasonable use and enjoyments of their properties.
3. The following shall be exempt from the provisions of this ordinance:
  - a. Sound emanating from regularly scheduled athletic events of any Person County Schools or Person County Parks and Recreation Department facility, or of the Rock Sportsplex.
  - b. Noises coming from construction or bona fide agricultural operations from 6:30 a.m. to 9:30 p.m. Monday through Saturday, and from 8:00 a.m. to 6:00 p.m. on Sunday; provide all equipment is operated in accordance with any applicable manufacturer's specifications and with all standard equipment manufacturer's mufflers and/or noise-reducing equipment in use and in properly operating condition.
  - c. Noises from safety signals, warning devices, emergency signaling devices, and of any authorized emergency vehicle when responding to any emergency call or acting in time of emergency.
  - d. All noises coming from the normal operations of properly equipped aircraft.
  - e. Sounds from or at parades, or street fairs and similar festivals sponsored, permitted or sanctioned by either Person County or the City of Roxboro.
  - f. Lawnmowers, or landscaping, grading or clearing operations from 6:30 a.m. to 9:30 p.m. Monday through Saturday, and from 8:00 a.m. to 6:00 p.m. on Sunday; provided all equipment is operated in accordance with any applicable manufacturer's specifications and



with all standard equipment manufacturers' mufflers and/or noise-reducing equipment in use and in properly operating condition.

- g. Noise from all church bells or calls to worship of any place of worship.
- h. Noise from all governmental operations.
- i. Noise from any sanitation operations.
- j. Noise from all lawful fireworks or noisemakers on holidays.
- k. Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, to restore public utilities, or to protect persons or property from an imminent danger.
- l. All noises coming from normal operation of motor vehicles properly equipped with the manufacturer's standard muffler and noise-reducing equipment.
- m. Normal sounds associated with or customary to industrial or manufacturing operations in the normal course of business.
- n. Notwithstanding the provisions of subdivision "l" above, sounds emanating from the operating of automobile dragways and/or racetracks on the following days of the week and times of the day :

Wednesdays: from 12:30 PM until 10:00 PM,  
Fridays: from 12:00 PM until 12:00 AM provided however  
on the last Friday of each month the ending time  
shall be extended until 1:00 AM,  
Saturdays: from 12:00 PM until 12:00 AM,  
Sundays: from 12:30 PM until 9:00 PM, and  
On the Third Thursday in October of each year from  
12:00 PM until 11:00 PM.

- 4. (a) Any person who violates this ordinance shall receive an oral or written order from any law enforcement officer, or from any county officer or employee designated by the County Manager to administer and/or enforce this ordinance, to cease or abate the noise immediately; provided, however, that an oral order to cease or abate shall not be necessary with respect to (i) any violation occurring after 9:30 p.m. on Monday through Saturday, or after 6:00 p.m. on Sunday, and before 6:30 a.m. Monday through Saturday, or before 8:00 a.m. on Sunday, or (ii) any second violation by the same person or persons occurring within sixty (60) days, and in such cases the person or persons responsible shall be guilty of a

Class 3 misdemeanor and may be charged criminally with a misdemeanor violation of this ordinance, punishable by fine or imprisonment to the maximum allowed by general law, and criminal process may be issued, all without an oral order to cease or abate.

- (b) If an oral order to cease and abate is not complied with promptly, the person or persons responsible shall be guilty of a Class 3 misdemeanor and may be charged criminally with a misdemeanor violation of this ordinance, punishable by fine or imprisonment to the maximum allowed by general law and criminal process may be issued.
  
- (c) In lieu of criminal prosecution, the County Manager or any county officer or employee designated by the County Manager to administer and/or enforce this ordinance may enforce this ordinance by levying a civil fine and order of abatement in the amount of \$50.00 per offense, each separate day that a violation continues to be a separate and distinct offense. Any civil penalty levied hereunder and not paid within fifteen (15) days may be enforced and collected by an action at law.
  
- (d) In addition to or in lieu of remedies for enforcement authorized above, violations of this ordinance may be enjoined and/or abated through equitable remedies issued by any court of competent jurisdiction.

5. This ordinance is adopted under the authority of NC GS 153A-133 .

6. This ordinance shall be effective upon its adoption.

**ADOPTED THIS THE 16<sup>TH</sup> DAY OF JUNE 1997.**

**AMENDED AND READOPTED ON THE 18<sup>th</sup> DAY OF MARCH 2008.**

**HOME RULE RESOLUTION NO. HR-93-6-5**

**A RESOLUTION PROHIBITING THE MAINTENANCE, COMMISSION AND CAUSING OF NUISANCES WITHIN THE COUNTY.**

**WHEREAS**, the Board of County Commissioners (hereinafter, the **BOARD**) has determined that it is necessary to prohibit the permitting, causing, keeping, or maintaining of any nuisance in Douglas County in order to preserve the public health, safety and welfare; and

**WHEREAS**, the Board is authorized to enact legislation designed to protect the health, safety and welfare of the citizens of Douglas County.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:**

Section 1. **NUISANCES DEFINED AND PROHIBITED.** It shall be unlawful for any person to permit, cause, keep or maintain any nuisance, or cause to be committed, caused, kept or maintained any nuisance within Douglas County. Anything which is dangerous to or violates the health, peace, or welfare of any citizen of Douglas County, Kansas, is hereby deemed and declared to be a nuisance.

Section 2. **EXEMPTIONS.** The following activities shall not be deemed a nuisance as defined herein:

a. Any activity normally associated with the operation of an agricultural, farming or ranching business; and

b. The normal operation of any industrial business which is being carried on in an area zoned for such use or for which a conditional use permit has been issued by the Board.

Section 3. **ABATEMENT; NOTICE.** Whenever the Board determines that any nuisance, as herein defined, exists on any premises within the County, it shall be the duty of the Board (or its designated representative) to notify in writing the owner or occupant thereof of the existence of such a nuisance, specifying the measures necessary to abate such nuisance and requiring its abatement. The notice to abate such nuisance must be served on the occupant of the premises personally, or if there is no such occupant, then the notice must be sent to the owner or agent of the owner of such premises by United States mail, postage prepaid, to the address of such owner or agent.

Section 4. **ABATEMENT; DUTY OF OWNER; FAILURE TO COMPLY.** Upon receipt of the notice specified by Section 2, above, it shall be the duty of the owner or occupant receiving notice to abate the nuisance within the time specified in the notice and it shall be unlawful for any such

HOME RULE RESOLUTION NO. HR-93-6-5

occupant or owner to fail to take remedial action. In the event such occupant, owner or agent shall fail, neglect or refuse to comply with the terms of the notice, or in case the Board or its designated representative after having used due diligence, is unable to locate any occupant, owner or agent, the Board shall have the authority to take remedial action.

Section 5. ENFORCEMENT.

a. Injunction. The Board may bring an action in the District Court of Douglas County to enjoin the nuisance and upon a finding that a nuisance exists the Court shall make an order enjoining the nuisance and granting such further relief as is necessary to protect the interest of the citizens of Douglas County, Kansas.

b. Temporary Abatement. In the event that the Sheriff of Douglas County, Kansas, determines that an emergency exists wherein a nuisance, as defined herein, presents an immediate risk to the health, peace, or welfare of any citizen of Douglas County, Kansas, and irreparable harm may occur if the nuisance is not immediately abated, he may enter upon the premises and temporarily abate the nuisance in such manner as he believes will best protect the citizens of the County. Before any permanent abatement takes place the notice procedures set forth herein shall be followed.

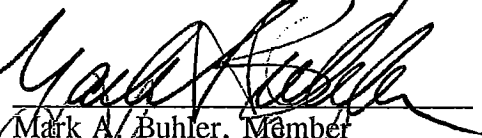
Section 6. This resolution shall replace HR-93-4-2 which is hereby rescinded.

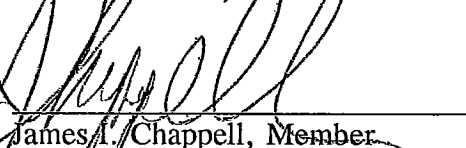
Section 7. EFFECTIVE DATE. This is an ordinary home rule resolution and shall take effect and be in force from and after its publication once in the official County newspaper.

ADOPTED this 16th day of June, 1993.


BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, KANSAS

  
Louie L. McElhaney, Chairman

  
Mark A. Buhler, Member

  
James A. Chappell, Member

ATTEST:

  
Patty Jaimes, County Clerk