

# **BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS**

## **WEDNESDAY, APRIL 7, 2010 -4:00 p.m. meeting only**

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

-Convene

-Consider approval of the minutes of March 10, 2010.

-Consider approval of a proclamation declaring April 2010 as “National Child Abuse Awareness Month” (Dan Partridge)

-Consider approval of a proclamation declaring April 5-11, 2010 as “Public Health Week” (Dan Partridge)

## **CONSENT AGENDA**

- (1) (a) Consider approval of Commission Orders;
- (b) Consider approval of resolution establishing a 30-mph speed limit on Route 442 from Ash Street to Peach Street in Eudora (Keith Browning);
- (c) Consider approval of contract for Dust Palliative supply and application (Keith Browning);
- (d) Consider approval of Asphalt Supply Contract for 2010 Maintenance Season (Keith Browning);
- (e) Consider approval of contract for Project No. 2010-13 Mill & Overlay on Routes 442 and 1061 near Eudora (Keith Browning)

## **REGULAR AGENDA**

- (2) Presentation on the Juvenile Mental Health Grant (Judge Shepherd)
- (3) Discussion of FreeNet proposal to use space available on monopole tower located next to JLE building (Josh Montgomery)
- (4) Presentation from Bert Nash on state budget cuts (Dave Johnson)-no backup
- (5) Consider amendments to the Douglas County Personnel Policy (Pam Madl)
- (6) Consider authorization to solicit bids for overlaying and paving shoulders on Route 1023/458 from Stull to Route 1(Keith Browning)
- (7) Other Business
  - (a) Consider approval of Accounts Payable (if necessary)
  - (b) Appointments
  - (c) Miscellaneous
  - (d) Public Comment
- (8) Adjourn

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.

## **FRIDAY, APRIL 9, 2010**

9:00 a.m. – Election Canvass

**WEDNESDAY, APRIL 14, 2010**

**WEDNESDAY, APRIL 21, 2010**

-4:00 P.M. MEETING ONLY

-Consider a proclamation to declare April 25 to May 2,

Habitat Stewardship Week

-Consider and approve the Douglas County Community Corrections Comprehensive Plan and Budget for FY2011 (July 2010 thru June 2011) (Ron Stegall)

-5:30 P.M. – Joint Meeting with Lawrence City Commission/Douglas County Kaw Drainage District/Douglas County Commission at Lawrence City Hall

**WEDNESDAY, APRIL 28, 2010**

*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.*



## Child Abuse Prevention Month 2010 Proclamation

- Whereas:** National Child Abuse Prevention Month will be recognized throughout the United States during April, 2010;
- Whereas:** Preventing child abuse and neglect is a community problem that depends on involvement among people throughout the community;
- Whereas:** Approximately 2,077 children were reported abused and neglected in Douglas County last year;
- Whereas:** Child maltreatment occurs when people find themselves in stressful situations, without community resources, and don't know how to cope;
- Whereas:** The majority of child abuse cases stem from situations and conditions that are preventable in an engaged and supportive community;
- Whereas:** Child abuse and neglect can be reduced by making sure each family has the support they need to raise their children in a healthy environment;
- Whereas:** Child abuse and neglect not only directly harm children, but also increase the likelihood of criminal behavior, substance abuse, health problems such as heart disease and obesity, and risky behavior such as smoking;
- Whereas:** All citizens should become involved in supporting families in raising their children in a safe, nurturing environment;
- Whereas:** Effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community; and
- Whereas:** Together we can strengthen families and prevent child abuse right from the start.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Douglas County, Kansas, hereby proclaim the month of April as "**Child Abuse Prevention Month**" in Douglas County and call upon all citizens, community agencies, religious organizations, medical facilities and businesses to increase their participation in our efforts to prevent child abuse, thereby strengthening the communities in which we live.

Dated this 31<sup>st</sup> of March, 2010.

**BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, KANSAS**

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*Nancy Thellman, Chairman*

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*Jim Flory, Vice-Chair*

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*Mike Gaughan, Member*



## PUBLIC HEALTH WEEK 2010 Proclamation

- WHEREAS:** Recognizing that promoting good health and quality of life for everyone in Douglas County is an important goal for our community; and
- WHEREAS:** Public health succeeds by identifying and addressing patterns of disease, illness and injury in the population; and
- WHEREAS:** The health of a community depends on many factors – such as individual health behaviors, education, jobs, quality of health care and the environment; and
- WHEREAS:** National Public Health Week, established in 1995, provides the focused opportunity for the public and public health professionals to learn about today's public health concerns and success stories which are vital to healthy communities; and
- WHEREAS:** Our theme this year, "A Healthier America: One Community at a Time," highlights the benefits of making healthy choices and embracing healthy lifestyles; and
- WHEREAS:** Community leaders taking action to invest in programs and implement policy changes will make their communities healthier places to live; and
- WHEREAS:** By supporting public health, we can make changes needed to make Douglas County the healthiest nation in one generation.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Douglas County, Kansas, hereby proclaim the week of April 5-11, 2010 as "**PUBLIC HEALTH WEEK.**"

*Dated this 7<sup>th</sup> day of April, 2010.*

**BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, KANSAS**

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*Nancy Thellman, Chairman*

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*Jim Flory, Vice-Chair*

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*Mike Gaughan, Member*

## MEMORANDUM

To : Board of County Commissioners

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

Date : March 26, 2010

Re : Consent Agenda approval of resolution establishing a 30-mph speed limit on Route 442 from Ash Street to Peach Street in Eudora

The new Eudora Elementary School opened in fall 2009. It is located on the south side of Route 442 (10<sup>th</sup> Street in Eudora) between the Grandview Trailer Park and Peach Street. While the school is within Eudora city limits, Route 442 right-of-way along the north side of the school property is in unincorporated area.

In 2007, the BOCC created a 45-mph speed limit on Route 442 from Ash Street in Eudora to the Douglas/Johnson county line. When the school opened, we installed temporary 30-mph speed limit signs for an approximately ½-mile length of Route 442 from Ash Street to Peach Street, which is just east of the new school. We felt the reduced speed was appropriate given traffic patterns and turning movements due to the school opening.

In October 2009, we measured speeds within the posted 30-mph zone. West of the elementary school, 85<sup>th</sup>-percentile speeds were 38 mph. East of the new school, 85% speeds were 41 mph.

Although measured 85<sup>th</sup>-percentile speeds are somewhat faster, we continue to feel 30-mph is an appropriate speed for this portion of Route 442. There is much school-related traffic turning from and onto Route 442 in this area. Of course, there is significant school bus traffic. This speed is also consistent with the 30-mph speed limit on Route 1061 in front of the junior and senior high schools south of K-10 highway.

The BOCC must pass a resolution to make the 30-mph speed limit enforceable. Signs are already in place, although the existing 30-mph sign for westbound traffic will require relocating approximately 400 feet east to the eastern limit of the speed zone as described in the attached resolution. The eastern limit of the speed zone is located at a ¼-section corner, which is located approximately 153 feet east of Peach Street.

Action Required: Consent Agenda approval of a resolution establishing a 30 mph speed limit for Route 442 from Ash Street in Eudora to approximately 153 east of Peach Street.

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

A RESOLUTION ESTABLISHING A 30 MILES PER HOUR  
MAXIMUM SPEED LIMIT ON A PORTION OF COUNTY  
ROUTE 442 (N 1400 ROAD) IN EUDORA TOWNSHIP

WHEREAS, pursuant to K.S.A. 8-1560, local authorities may determine and declare a reasonable and safe maximum speed limit for roads under their jurisdiction; and

WHEREAS, on the basis of an engineering and traffic investigation performed by the Douglas County Public Works Department the maximum speed limit for the following described county road or highway, to-wit:

a portion of County Route 442 (N 1400 Road) (also known as 10<sup>th</sup> Street in the City of Eudora) from the intersection with Ash Street in the City of Eudora to the Northwest Corner of the Northeast Quarter, Section 9, Township 13 South, Range 21 East of the 6<sup>th</sup> P.M., Douglas County, Kansas, said corner located approximately 153 feet east of the intersection with Peach Street, and terminating at said point;

as set by K.S.A. 8-1558, is greater than is reasonable or safe under the conditions found to exist on the above described road under the jurisdiction of this Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS that a speed limit of 30 miles per hour is hereby determined and declared to be a reasonable and safe speed limit for the above described road.

This speed limit shall become effective when appropriate signs giving notice thereof are erected upon the road above described.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, KANSAS

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

ATTEST:

\_\_\_\_\_  
Mike Gaughan, Member

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Jim Flory, Member

## MEMORANDUM

To : Board of County Commissioners

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

Date : March 29, 2010

Re : Consent Agenda approval of contract for Dust Palliative supply and application

Bids for the supply and application of dust palliative material were opened March 24. We solicited bids for both 38% Calcium Chloride solution and 32% Magnesium Chloride solution. Two suppliers submitted bids, as follows.

### **Scotwood Industries, Inc.:**

<u>Item</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Price</u>
32% MgCl	60,000 gal	\$0.760	\$45,600.00
38% CaCl	60,000 gal	\$0.994	\$59,640.00

### **Dale Brothers Materials:**

<u>Item</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Price</u>
32% MgCl	60,000 gal	\$1.450	\$87,000.00
38% CaCl	60,000 gal	No Bid	No Bid

This year's low bid unit price from Scotwood Industries is essentially equivalent to last year's price, which was \$0.761/gallon. You will recall this year's user fee remained the same as last year at \$1.60/linear foot of road treated. The low-bid price should allow us to meet the target application rate of 0.45 gallons/square yard.

Although the user fee is unchanged from last year, demand for this service is lowering. This year we received 65 applications for dust palliative, while last year we received 98 applications.

In addition to the dust palliative material, we will hire a water truck to pre-wet all locations. This cost is included in the \$1.60/linear foot user fee.

Action Required: Consent Agenda approval to accept the low bid and award the contract for supply and application of 32% magnesium chloride solution for the user fee dust palliative program to Scotwood Industries, Inc. at a unit cost of \$0.760 per gallon.

**DUST PALLIATIVE**

**Bid No. 10-F-0007**    **Opening Date: Wednesday, March 24 @ 3:00 P M.**

PRODUCT	VENDOR	UNIT	QUANTITY	UNIT PRICE	TOTAL
38% Calcium Chloride	Dale Brothers	Gal.	60,000	No Bid	
32% Magnesium Chloride	Dale Brothers	Gal.	60,000	\$1.4500	\$ 87,000.00
<b>Durablend</b>	<b>Dale Brothers</b>	<b>Gal.</b>	<b>30,000</b>	<b>\$1.7300</b>	<b>\$ 51,900.00</b>
38% Calcium Chloride	Scotwood Industries	Gal.	60,000	\$0.994	\$ 59,640.00
32% Magnesium Chloride	Scotwood Industries	Gal.	60,000	\$0.760	\$ 45,600.00
<b>35% Calcium Chloride</b>	<b>Scotwood Industries</b>	<b>Gal.</b>	<b>60,000</b>	<b>\$0.920</b>	<b>\$ 55,200.00</b>
38% Calcium Chloride		Gal.	60,000		\$ -
32% Magnesium Chloride		Gal.	60,000		\$ -
38% Calcium Chloride		Gal.	60,000		\$ -
32% Magnesium Chloride		Gal.	60,000		\$ -

**Additions to Bid Sheet**

Rita Fulks for:  
Keith A. Browning, P.E.  
Director of Public Works

3/24/2010  
Date

Marni Penrod for:  
Jamie Shew  
County Clerk



## MEMORANDUM

To : Board of County Commissioners

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

Date : April 1, 2010

Re : Approval of Asphalt Supply Contract for 2010 Maintenance Season

Bids were opened on March 30 for the supply of asphaltic concrete material for use during the 2010 road maintenance season. We requested bids for varying ranges of quantities. A bid tabulation is attached.

This department recommends the BOCC accept the bid from Asphalt Sales of Lawrence for 5,001 – 8,000 tons of asphaltic concrete material at \$44.25/ton. We also recommend accepting the bid from Bettis Asphalt for 1,000 – 5,000 tons at \$46.30/ton. It is anticipated that a total of approximately 8,000 – 12,000 tons will be needed this year. Typically, we contract with a primary supplier for 5,001 – 8,000 tons and also with a secondary supplier for 1,000 – 5,000 tons. We do this to ensure we are able to get asphalt material if one plant is down or otherwise cannot supply the material.

It should be noted that Killough Construction is in Ottawa. The increased costs and lower production resulting from the longer hauls results in higher overall costs even though the \$44.00/ton bid from Killough is the low bid. Please also note that Bettis now has an asphalt plant at their Big Springs quarry location. This is a convenient location for our surfacing needs in the western portion of the county.

Like the last couple of years, this year's contract includes 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.

The 2010 budget for Road & Bridge Fund 201 has \$446,250 allocated for BM-2 asphaltic concrete.

Action Required: Approve contract with Asphalt Sales of Lawrence to supply 5,001 tons to 8,000 tons of BM-2 asphaltic concrete at the unit price of \$44.25 per ton, and approve contract with Bettis Asphalt to supply 1,000 tons to 5,000 tons at the unit price of \$46.30 per ton.

<b>BID TAB FOR BM-2</b>						
<b>Bid No. 10-F-0008</b>						
<b>Open @ 3:00 p m, March 30, 2010</b>						
<b><u>VENDOR</u></b>	<b><u>Quantity Tons</u></b>	<b><u>Unit Cost Per Ton</u></b>	<b><u>Quantity Tons</u></b>	<b><u>Unit Cost Per Ton</u></b>	<b><u>Quantity Tons</u></b>	<b><u>Unit Cost Per Ton</u></b>
All American Asphalt & Const. Inc.	1,000-5,000	\$ 51.91	5,001-8,000	\$ 50.90	8,001-13,000	\$ 49.91
Asphalt Sales of Lawrence	1,000-5,000	\$ 45.50	5,001-8,000	\$ 44.25	8,001-13,000	\$ 43.00
Killough Construction	1,000-5,000	\$ 44.00	5,001-8,000	\$ 44.00	8,001-13,000	\$ 44.00
Bettis Asphalt & Const., Inc.	1,000-5,000	\$ 46.30	5,001-8,000	\$ 45.95	8,001-13,000	\$ 45.60
Director of Public Works: Keith A. Browning		County Clerk: Jamie Shew		Date: 03 30 10		
Apparent Low =						

## MEMORANDUM

To : Board of County Commissioners

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

Date : April 2, 2010

Re : Consent Agenda approval to award contract for Project No. 2010-13  
Mill & Overlay on Routes 442 and 1061 near Eudora

We opened bids April 1 for the referenced project. You will recall the project entails a 2" mill & overlay on approximately 4,290 total linear feet of Route 442 and Route 1061 near Eudora. The project purpose is to correct surface deficiencies due to chip seal de-bonding.

Six contractors submitted bids (see attached bid tabulation). Bids ranged from \$84,443 to \$118,996. The engineer's estimate was \$120,630.

This work will be funded from Road & Bridge Fund 201, which includes \$344,520 in the Overlays line item.

This department recommends accepting the low bid of \$84,443.00 and contracting with Sunflower Paving.

The bid quantity for patching is an estimate, and may need to be increased following milling operations. We request authorization to approve change orders totaling up to 10% of the contract amount.

Action Required: Consent Agenda approval to accept the low bid of \$84,443.00, and contract with Sunflower Paving for Project No. 2010-13, mill & overlay on Routes 442 and 1061 near Eudora, and authorize Public Works Director to approve change orders totaling up to 10% of the contract amount.

PROJECT NO. 2010-13 BID NO. 10-F-0009 2010 MILL & OVERLAY RTE 442 & 1061														
BID TAB		PAGE # 1			ENGINEER'S ESTIMATE		CONTRACTOR		CONTRACTOR		CONTRACTOR		CONTRACTOR	
Location: Rte. 442 from the East Side Winchester to the West Side Walnut St & Rte 1061 BNSF RR Xing to the Ks River Br							Sunflower Paving		Hamm Inc		McAnany Const. Inc.		Bettis Asphalt & Const. In	
SPEC NO.	BIDDING ITEM	APPROX. QTY.		UNIT PRICE	EXT.	UNIT PRICE	EXT.	UNIT PRICE	EXT.	UNIT PRICE	EXT.	UNIT PRICE	EXT.	
801	Mobilization	1	L.S.	\$7,500.00	\$7,500.00	\$2,535.00	\$2,535.00	\$2,500.00	\$2,500.00	\$5,000.00	\$5,000.00	\$2,935.00	\$2,935.00	
Sp. Prov./805	Traffic Control	1	L.S.	\$5,000.00	\$5,000.00	\$3,545.00	\$3,545.00	\$5,500.00	\$5,500.00	\$6,000.00	\$6,000.00	\$1,965.65	\$1,965.65	
611/Sp. Prov.	HMA-Commercial Grade (Class A) (Surface)	1,277	Tons	\$60.00	\$76,620.00	\$51.00	\$65,127.00	\$53.42	\$68,217.34	\$68.00	\$86,836.00	\$54.55	\$69,660.35	
612/Plans	Milling (2" Nominal)	10,720	S.Y.	\$2.25	\$24,120.00	\$0.80	\$8,576.00	\$1.10	\$11,792.00	\$1.50	\$16,080.00	\$1.10	\$11,792.00	
833/611 Sp. Prov.	HMA-Commercial Grade (Class A) (Patching)	42	Tons	\$175.00	\$7,350.00	\$110.00	\$4,620.00	\$135.00	\$5,670.00	\$120.00	\$5,040.00	\$195.00	\$8,190.00	
Sp. Prov./805	Flagger (Set Price)	1	Hour	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	
	<b>TOTAL BID</b>				\$120,630.00		\$84,443.00		\$93,719.34		\$118,996.00		\$94,583.00	
	Keith Browning, Director of Public Works			Jamie Shew, County Clerk					Dated:	4/1/2010				
	By: Rita Fulks			By:	Jamie Shew, County Clerk									

PROJECT NO. 2010-13 BID NO. 10-F-0009 2010 MILL & OVERLAY RTE 442 & 1061													
BID TAB	PAGE # 2			CONTRACTOR		CONTRACTOR		CONTRACTOR		CONTRACTOR		CONTRACTOR	
Location: Rte. 442 from the East Side Winchester to the West Side Walnut St & Rte 1061 BNSF RR Xing to the Ks River Br				Little Joe's Asphalt Inc.		O'Donnell & Sons							
SPEC NO.	BIDDING ITEM	APPROX. QTY.		UNIT PRICE	EXT.	UNIT PRICE	EXT.	UNIT PRICE	EXT.	UNIT PRICE	EXT.	UNIT PRICE	EXT.
801	Mobilization	1	L.S.	\$1,675.00	\$1,675.00	\$2,500.00	\$2,500.00						
Sp. Prov./805	Traffic Control	1	L.S.	\$2,155.72	\$2,155.72	\$1,875.00	\$1,875.00						
611/Sp. Prov.	HMA-Commercial Grade (Class A) (Surface)	1,277	Tons	\$55.97	\$71,473.69	\$64.50	\$82,366.50						
612/Plans	Milling (2" Nominal)	10,720	S.Y.	\$1.41	\$15,115.20	\$1.60	\$17,152.00						
833/611 Sp. Prov.	HMA-Commercial Grade (Class A) (Patching)	42	Tons	\$112.24	\$4,714.08	\$115.00	\$4,830.00						
Sp. Prov./805	Flagger (Set Price)	1	Hour	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00
	<b>TOTAL BID</b>				\$95,173.69		\$108,763.50						
	Keith Browning, Director of Public Works			Jamie Shew, County Clerk				Dated:	4/1/2010				
	By: Rita Fulks			By: Jamie Shew, County Clerk									

## **Mental Health Court Grant Application**

Judge Jean Shepherd

As a result of on-going concerns about mentally ill and developmentally disabled youth in the juvenile offender system, concerns expressed by defense attorneys, prosecutors, and service providers, in March 2008 I called a meeting of representatives of interested entities to discuss what they could bring to the table if we could start a specialized court for these youth. Participants at the meeting included SRS, Family Preservation (DCCCA), Family and Youth Intervention, the district attorney's office, Bert Nash, Cottonwood, Eudora, Lawrence and Baldwin school districts, Citizen Review Board, The Shelter, Inc., Court Services, and Douglas County Youth Services. We met only a few times, and then put the process on hold until we could locate a possible funding source, since it became obvious that we would need a part-time coordinator. After almost two years we have located a possible funding source for planning and implementation of this project. The county's part of this grant is all in-kind services, not cash. In two years, if the project is successful, we will then ask for funding for a one-quarter time coordinator and a clerical assistant.

We envision this project following this general process:

- a. Referral to this court;
- b. Screening/evaluation for eligibility;
- c. Adjudication;
- d. Treatment plan as part of sentencing;
- e. Parental orders for treatment part of sentencing, as needed;
- f. Initial weekly review by treatment team members and court;
- g. Decreasing reviews as treatment becomes habitualized by youth and family; and
- h. Youth allowed to withdraw plea and case is dismissed upon successful completion of program.

The goals of the program include reducing probation violations and recidivism among this population and reducing the number of youth in this high needs population in the juvenile detention center.

Youth who would be excluded from this project include gang members and youth who commit felonies against non-family members, as well as youth with certain disorders that do not meet the criteria. We will limit the number of participants to ten at any given time.

With the support of Chief Judge Fairchild, I will commit court time to this project and I am optimistic that we will make a difference in the future of some of the youth in the program, a difference which will exponentially benefit them, their families, and this community.



March 17, 2010

Craig Weinaug  
County Administrator  
Douglas County  
1100 Massachusetts St.  
Lawrence, KS 66044

Dear Craig,

Your call today catches us at an odd time as we are in the process of altering our arrangement with the City of Lawrence to facilitate future growth.

The reason for this change is that it has become clear to us that Lawrence Freenet, Inc. will never have the ability to finance our project. Lawrence Freenet, Inc. is a non-profit organization operating in a traditionally for-profit space. Since Lawrence Freenet, Inc. doesn't have financial backing of a government entity, it is unlikely that it will ever be able to leverage the resources necessary to successfully complete our project here in Douglas County.

To complete the project it will be necessary for Community Wireless Communications Co. to provide substantial additional investment. In order to do this, CWC's financial backers want the security of knowing that our access to tower space and right-of-way is unambiguous.

As part of this change, we have committed to continue providing free services for low income families. We are still on the same mission, but with a different organizational structure.

Lawrence Freenet, Inc. is fully supportive of the changes we are making as outlined in their attached letter of support.

We would still like to have access to the tower in front of the law enforcement center. It will help us to provide service for much of Northeast Lawrence and provide much needed improvements to areas of East Lawrence.

Rather than enter into a separate franchise agreement with the County, we would rather enter into a traditional long term lease. We can offer \$500/Mo, which is the going rate for data providers. This is a lower rate than traditionally charged to cellular providers because data providers have a significantly smaller footprint (i.e. smaller antennas, fewer cables and much smaller ground enclosures). Data providers also have significantly different economics, with plans topping out at \$24/Mo. By comparison, my own cellular bill by comparison is \$130/Mo.

# COMMUNITY WIRELESS COMMUNICATIONS

If we can come to an agreement for use of this tower, we would be much obliged. It would still help to further the mission of Lawrence Freenet and would significantly improve services available to hundreds of households in Douglas County and expand free services for dozens of low income households.

Sincerely,



Joshua Montgomery  
Community Wireless Communications Co.

4105 W. 6th St.

P.O. Box 3532

Lawrence, KS 66046

Ph: (785) 371-4214 ext. 8001

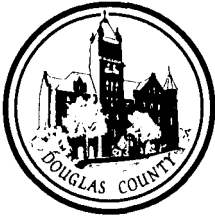
Cl: (785) 840-6155

Fx: (785) 331-2086

[joshua.montgomery@civicwifi.com](mailto:joshua.montgomery@civicwifi.com)

<http://www.civicwifi.com>






## DOUGLAS COUNTY ADMINISTRATIVE SERVICES

1100 Massachusetts Street  
Lawrence, KS 66044-3064  
(785) 832-5329 Fax (785) 832-5320  
www.douglas-county.com

**Pamela J. Madl**  
Assistant County Administrator

**MEMO TO:** Board of County Commissioners  
**FROM:** Pam Madl   
**DATE:** March 24, 2010  
**SUBJECT:** Personnel Policy Amendments

It is not uncommon to amend the Personnel Policy at least once a year to address issues or changes in the law. These changes this year have been reviewed with the department heads and Shannon Oury. A full copy of the changes is attached; however, a summary is provided below.

- **CELL PHONE USE policy:**
  - Prohibiting employees from sending or receiving text messages while operating a vehicle or equipment.
- **SOCIAL MEDIA SITE UTILIZATION: new policy.**
- **SICK LEAVE LOAN:**
  - Adds the approval for FMLA as an eligibility point for receipt of a loan; also clarifies the availability of a 2<sup>nd</sup> loan if the full amount was not borrowed.
- **GRIEVANCES:**
  - Clarifies the reasons eligible for a grievance, and the process for complaints not falling within those reasons. Also requires an attempt by the employee to work the situation out with the department head prior to filing a grievance.
- **DRUGIALCOHOL POLICY VIOLATION:**
  - Removes the use of the Employee Assistance Program for only first offenses; in other words, they will have to use it for each violation (if they are not terminated).
- **CELL PHONE USE:**
  - Prohibits the use of a cellular phone while driving for purposes of receiving/sending text messages or accessing the internet.
- **MERIT policy:**
  - Changes the dates per the new process implemented by the Board of County Commissioners in 2010.
  - Allows payout of lump sum early to employees retiring in December in certain circumstances.

I will be available at the meeting to answer any questions you have, or feel free to contact me prior to the meeting. A simple motion authorizing the Personnel Policy amendments to be implemented effective immediately will be sufficient.

Thank you for your consideration.

**H. SICK LEAVE LOAN.** If an employee who has successfully completed the introductory period is suffering from a prolonged illness or injury, **or has been approved for Family Medical Leave**, and has depleted his/her accumulated sick leave, compensatory time, and vacation leave, the employee may apply for a sick leave loan not to exceed four (4) work weeks of regular pay. The Department Head and Assistant County Administrator must approve the loan request in order for it to become effective. Upon the employee's return to employment, the loan will be repaid at a rate of 3.5 hours per pay period. Should the employee leave the service of the County prior to repaying the loan, he/she will contribute first any accumulated sick leave, then compensatory time, and then vacation leave toward repayment of the loan. The value of any remaining hours will be deducted from the employee's last paycheck **as authorized in the sick leave loan application**, and any remainder shall be repaid by the employee. **A maximum of four work weeks in any 3-year period may be awarded. An employee may receive a second loan to be combined with the first loan up to the maximum number of weeks stated above.**

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**ACTIONS ELIGIBLE FOR GRIEVANCE:**

**Grievances may be filed only for the following reasons:**

- **Demotion**
- **Disciplinary Action**
- **Alleged Discrimination or Harassment**
- **Violations of the Douglas County Personnel Policy**

**For situations not falling into the above eligibility criteria, employees should follow the chain of command within their department. For questions about grievance eligibility or processes, contact the Assistant County Administrator.**

**Step I. Employees must make an attempt to work the situation out within their department prior to submitting a Grievance Form.**

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**13.9 CONSEQUENCES FOR VIOLATIONS OF SECTION 13.** Violations of this Section 13 are considered a serious offense and will result in disciplinary action. Employees who have an alcohol concentration of 0.04 or greater and/or employees who have a positive drug screening result will be subject to disciplinary action up to and including termination. **Additionally, for first offenses when termination does not occur**, employees will be required to use the Douglas County Employee Assistance Program. The Assistant County Administrator will make the initial appointment for the employee at DCCCA, and the employee will be required to sign a release allowing DCCCA to confirm the employee's attendance at the appointment to the Assistant County Administrator. The employee will be expected to follow the rehabilitation program established by the substance abuse professional, including, but not limited to, providing verification of participation in such program. Repeated violations of this section by an employee may result in termination.

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**5.31 CELL PHONE USE.**

Employees are prohibited from using a cellular phone while driving (either a County vehicle or a personal vehicle used for County business and/or while operating County equipment) for the following purposes:

- sending or reading text messages or emails;
- accessing the internet

Additionally, employees are encouraged not to use cellular phones while driving a County vehicle or a personal vehicle used for County business, except in cases of public safety issues.

\*\*\*\*\*

**5.32 PARTICIPATION IN THE SOCIAL MEDIA SITES.** It is the policy of Douglas County to recognize an employee's personal and private affairs, however, it is the responsibility of each employee to conduct themselves in a manner that will not reflect negatively on Douglas County or impair the ability of Douglas County to conduct its operations. This includes any participation in social media or social networking sites. Furthermore, the ethical guideline contained in this policy shall apply to any employee engagement in any communication on social media or social networking sites when such communication relates to County operations or if it impairs the employee's ability to perform their duties. Employees will ensure that any communication clearly reflects that any opinion expressed is the individual's opinion and is not the opinion of Douglas County or in the employee's official capacity as a Douglas County employee.

**5.33 DOUGLAS COUNTY SOCIAL MEDIA SITES.** Douglas County maintains several social media outlets for the purpose of communicating with County residents. Employees must comply with the official Douglas County, Kansas Social Media Policy when they are representing Douglas County or participating in a Douglas County social media outlet.

## **12.3 PERFORMANCE EVALUATION SYSTEM.**

**A. PHILOSOPHY ON MERIT.** Superior performance by Douglas County employees will be rewarded through merit compensation. The standard for superior performance will be established through the performance evaluation system.

### **B. PERFORMANCE EVALUATION SYSTEM RULES**

1. All performance evaluations, **EXCEPT** for employees who have not completed at least six (6) months of service on ~~October 31~~ **November 30**, will be administered by the end of ~~October~~ **November** of each year. Completed (and signed) evaluations will be forwarded to the Personnel Office immediately. Evaluations for introductory employees **MUST** be submitted to the Personnel Office on or around the employee's six-month anniversary and on or around the employee's first anniversary date.

2. The immediate supervisor and the Department Head will review the evaluation before it is discussed with the employee.

3. An evaluator will not give identical total scores to all subordinates.

4. The evaluation form will be signed by the employee, supervisor, and the Department Head prior to being forwarded to the Personnel Office. Employees refusing to sign the evaluation form will not be eligible for a merit award and a witness will be asked to sign the form (in the employee's presence) acknowledging that the employee reviewed the form but refused to sign it.

5. Employees must have successfully completed six (6) months of service ~~prior to November 1~~ **on November 30** in order to be eligible for a merit award.

6. For ranking purposes, each department will be considered as one group except as determined by the Assistant County Administrator. All management staff, as determined by the County Administrator, will be considered as one group. Funds for these merit increases will come from the applicable departmental budgets.

7. Each November the Assistant County Administrator will provide each Department Head with a list of proposed merit increases. Total merit increases for each evaluation group may range from 0% to 4%, with the average of the group being that

established annually by the Board of County Commissioners. Included in the group for determination of the average merit will be all employees who left the service of the County after ~~April 30~~ **May 31** with an assigned merit of 0. Department Heads may recommend merit amounts, but awards must be consistent with the performance evaluation scores for that year and must remain in ranked order. Final approval of awards will be made by the Assistant County Administrator.

8. Merit awards will be added to the employee's base salary until the employee reaches the maximum salary in his/her assigned pay grade, at which point merit awards are provided to the employee in the form of a lump sum payment.

9. Merit Award Distribution.

a. Merit awards will be distributed ~~after November 1 but before December 31~~ on the first paycheck **in January** of each year **following the December merit decisions.**

b. **If an employee is retiring after November 30 and is eligible for a lump sum merit payment, that lump sum merit payment will be distributed on the employee's last paycheck even it is prior to January 1.**

## 12.4 EXPERIENCE AWARDS

**A. ONE YEAR OF SERVICE.** Douglas County employees will receive a one time five percent (5%) increase to their base salary recognizing their one (1) year anniversary. To be eligible for this award, the employee must have successfully passed his/her introductory period.

**B. MORE THAN ONE YEAR OF SERVICE.** Subsequent continued service will be rewarded through an annual one percent (1%) increase to the employee's base salary. An employee who has reached the maximum salary of his/her assigned pay grade is no longer eligible for experience increases. Exception: Employees with a less than minimally acceptable score on their most recent evaluation will not be eligible for the experience award that year.

**C. EFFECTIVE DATE OF EXPERIENCE AWARDS.** All experience awards will be effective the first day of the pay period following the employee's anniversary of employment unless the employee's introductory status is extended. In that case, the first year experience award will be

**effective the first day of the pay period after the employee has successfully completed the introductory period.**

## MEMORANDUM

To : Board of County Commissioners

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

Date : April 1, 2010

Re : Authorization to solicit bids for CIP road surfacing project  
Route 1023/458 from Stull to Route 1  
Project No. 2010-12

The CIP includes a 2010 surfacing project to overlay and pave shoulders on Route 1023/458 from Route 442 at Stull to Route 1, a length of approximately 10.56 miles. Department staff has prepared plans and contract documents, and we are ready to advertise for bids. We currently estimate the construction cost to be approximately \$2.9 million. There are no easement acquisition costs or utility relocation costs. The CIP includes \$3.175 million for this project.

We plan to begin construction in mid- to late-July following completion of the two bridge rehabilitation projects on this same road. Although construction would not start until later this summer, it would be prudent to bid this project as soon as possible. This is a large surfacing project, and we should obtain bids before paving contractors have secured projects to fill their 2010 construction schedule. The contract allows 55 working days to complete the project, or about three calendar months.

The project includes a 3" asphalt overlay on the two traffic lanes and construction of 4'-wide, 6"-deep paved shoulders throughout most of the project length. There will be no paved shoulders in the northern approximately ¼-mile near Stull. The project includes milling 8417 linear feet of the total 10.56 mile, or about 15%, of the total project length.

Traffic will be maintained through construction by using flaggers and pilot vehicles.

This road has experienced significant rutting and requires more pavement structure. There are also surface distresses this project will correct. As you will recall, the section of Route 458 from Route 1 to N 1175 (Banning's Corner) is on our 5-Year Plan for federally funded projects with construction planned for 2015. It will include reconstructing a significant portion of the project length and constructing paved shoulders throughout.

Action Required: Consider authorizing Public Works to solicit bids for Project No. 2010-12, overlay and paved shoulders for Route 1023/458 from Stull to Route 1.