

# BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

**WEDNESDAY, JANUARY 16, 2013**

4:00 p.m.

## **CONSENT AGENDA**

- (1) (a) Consider approval of Commission Orders; and
- (b) Consider approval of agreement relating to Marketing Campaign to attract and retain retirees (Jim Flory);
- (c) Approve fuel contract recommendations (Jackie Waggoner)
- (d) Consider a Design Service Agreement for Reconfiguration of Office Space for Emergency Communications Center and Emergency Management (Jackie Waggoner)

## **REGULAR AGENDA**

- (2) The Food Policy Council Year-in-Review report (Eileen Horn)-No backup
  
- (3) Consideration of Dust Palliative Program for 2013 (Keith Browning)
  
- (4) (a) Consider approval of Accounts Payable (if necessary)
- (b) Appointments
- (c) Public Comment
- (d) Miscellaneous

## **RECESS**

## **RECONVENE**

6:35 p.m.

- (5) Consider detailed reclamation plan for Phase VI of the Big Springs Quarry, 2 North 1700 Road. Plans submitted by Professional Engineering Consultants, PA for Mid-States Materials, quarry operator. Bonnie M. Nichols is the property owner of record. (Mary Miller will present the item)
  
- (6) Adjourn

**WEDNESDAY, JANUARY 23, 2013**

**WEDNESDAY, JANUARY 30, 2013**

**WEDNESDAY, FEBRUARY 6, 2013**

**WEDNESDAY, FEBRUARY 13, 2013**

**WEDNESDAY, FEBRUARY 20, 2013** – 4:00 meeting only

**WEDNESDAY, FEBRUARY 27, 2013**

**TENTATIVE - CUP-12-00099:** Consider a Conditional Use Permit for sand excavation and extraction for Penny Sand Pit, approximately 434 acres located on the NE Corner of N 1500 Road & E 1850 Road. Submitted by Landplan Engineering, for William Penny & Van LLC, property owners of record. (Mary Miller will present the item.)

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

# Memorandum City of Lawrence Douglas County

**TO:** David L. Corliss  
**FROM:** Cynthia Wagner, Assistant City Manager  
**DATE:** January 9, 2013  
**RE:** Agreement Relating to Marketing Campaign to Attract and Retain Retirees

Please place the following item on the January 15 City Commission Consent agenda:

Authorize City Manager to enter into an agreement with the KERN group for a marketing campaign to attract and retain retirees in Lawrence and Douglas County.

One of the recommendations of the Retiree Attraction and Retention Task Force was to develop and implement a marketing plan and campaign. It was recommended that such a plan would capitalize on the strengths of our community as outlined in the final report of the Task Force.

Last year, an RFP was developed seeking potential firms to provide this service. Five firms responded and interviews were conducted. The interview panel recommended further discussions with the KERN Group Inc. of Lawrence to provide this service. This agency has provided an agreement which includes the following elements:

- Title/Naming of Initiative
- Logo Branding
- Development of Creative Materials
- Development of Sponsorship/Partner list for in-kind and financial support for actual campaign
- Website development
- Creation of branded brochure/sales kit
- Development of a media plan

The total cost for the work outlined above is \$34,500. The City and County have agreed to share the costs of this initial work, with each providing \$17,250.

Implementation of the Media Plan is estimated between \$60,000 and \$80,000 annually, with much, if not all, of this cost coming from leveraged sponsorships/partnerships identified in the initial phases of the work.

An **agreement** would be executed and managed by the City with significant input and involvement by Douglas County and Douglas County Senior Services, Inc.

Staff recommends that the City Commission authorize the city manager to enter into the agreements, with 50% of the funding for this project coming from Douglas County. County consideration of expenditure for their portion of this project is planned for the January 16 Board of County Commissioners meeting.



TO: Cynthia Wagner, Assistant City Manager  
City of Lawrence

FROM: Mark Kern, President  
Ann Frame Hertzog, Creative Director  
KERN Marketing Group

The following is our proposed breakdown of the budget and timeline for the City of Lawrence/ Douglas County – Attract and Retain Retirees Marketing Campaign. The overall budget is hard to determine as we see partnerships and stakeholders participation as key to the project and instrumental in its implementation and execution. KERN Marketing Group has experience in creating and nurturing partnerships, which benefit both parties. These partnerships and the strategic implementation of these programs can effectively take a modest budget and give it the power of one twice or even three times its size.

What we see as the key elements to the campaign are:

1. **Title/Naming of Initiative** – create a title and name for the initiative which captures the essence of the image we want to create of Lawrence and Douglas Co as attractive to retirees. This will help to set the stage and overtime become synonymous with an attractive retirement choice.
2. **Logo Branding** – the visual execution of the chosen title to use across all forms of advertising, identity and marketing materials.
3. **Creative Materials** – these are the letterhead, the print ads, the online ads, the radio spots, the television ads. All the materials that go into creating a comprehensive and sustainable campaign.
4. **Sponsorship/Partner Development** – a key element to the campaign as noted above. Starting with the initial stakeholders then exploring others with an interest in an active retirement community, develop sponsorship and partner companies and organizations that can provide monetary as well as in-kind support to our initiative.
5. **Website Development** – creating a website that serves two purposes is fundamental to the marketing campaign. The first is a site that is a conduit of information for seniors and retirees already a part of our

community. The second is to be a resource for anyone interested or thinking about Lawrence and Douglas County as a retirement option. The website will have current information and be the center for distributing information. On all advertising and marketing materials, people will be directed to go to the website for more information.

6. **Create Branded Brochure Mailer or Sales Kit** – per the RFP a branded folder with brochure/flyer inserts will be created to market Lawrence/ Douglas County to potential retirees and to “sell” the reader on exploring Lawrence/Douglas County as a key option for their retirement. This mailer will be sent out to prospective retirees when they are seeking more information about our area and the services and qualities we possess that are attractive to retirees.

The initial printing of the brochure mailer will be 1000 units.

7. **Media Plan** – KERN group will create a media plan that will identify the target market niche, categorize the target market into reachable segments and create a plan detailing how and where to reach the target segments. The media plan will utilize and incorporate traditional and untraditional forms of media. The media plan and the success of our marketing strategy will be enhanced by the participation and support of our partnerships that are developed. Areas we will explore but are not limited to include:

- a. KU Alumni Magazine
- b. KU Endowment Magazine
- c. Kansas University website
- d. UDK website
- e. LJworld.com
- f. KUSports.com
- g. We will research the cities television broadcast of away games for Kansas Athletics.
- h. And always look for opportunities to direct traffic to the new Lawrence/Douglas County Retiree website.

How we see the cost breakdown of the elements. The costs of some of these items can be mitigated and/or enhanced through the participation and support of partners:

Strategy and Creative development: **\$20,000**

Includes:

Title/Naming of Initiative

Logo Branding

Creative Materials – print materials concept and development

Creative Materials – radio ad concept and development

Creative Materials – television concept

(production to be bid separately)

Creative Materials – Branded Brochure Mailer  
Sponsorship/Partner Development

(If we were to break down the creative and strategy fee over a year as a kind of retainer basis. We would request \$10,400 at the initiation of the agreement with the remaining fee divided into a monthly fee of \$800.00 for 12 months.)

Website Development: **\$10,000**

(The website would be billed \$5000 upon initiation of the agreement, \$2500 after approval of design and layout, \$2500 at launch of site.)

Printing of Brochure Mailer- 1000 folders and 8- one page inserts estimated at **\$4,500**

Media Plan – traditional and non-traditional – for an effective campaign without final numbers or media targets but to maximize our effectiveness in frequency and reach, we propose an annual media budget of **\$60,000 to \$80,000**. We believe the initial campaign should be a minimum two-year investment with a five-year overall startup campaign plan. (Partnerships will be crucial in maximizing and strengthening the effectiveness of the media budget)

A timeline of the campaign is dependent upon many elements. However, for planning purposes, a general timeline would be:

- Week 1 – 5: Strategy, information gathering, naming and logo development
- Week 6 – 8: Website discovery, requirements, planning and site definition
- Week 6 – 10: Partnership development and commitments
- Week 9 – 12: Website – create wireframes  
Website – create and revise web design mockups  
Website – gather information
- Week 12 – 14: Website – design implementation and coding  
Creative Materials – design folders and insert pages
- Week 15 – 17: Website – build site pages  
Creative Materials – folder revisions and signoff  
Development of ads and other creative elements
- Week 18 – 20: Website – perform testing and resolve any issues
- Week 21 – 22: Website – site live

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Week 24:      Launch full campaign.

## **TERMS AND CONDITIONS**

### **Ownership of Artwork**

Until full payment has been made, KERN Group retains ownership of all original artwork or parts contained therein, whether preliminary or final. Upon full payment, The City of Lawrence/Douglas County shall obtain ownership of the final artwork to use and distribute as they see fit. Appropriate usage rights but not ownership rights to photography images will be obtained – photography rights will be for the specific medium initiated – other mediums may need to be negotiated separately. KERN Group retains the right to use the completed project and any preliminary designs for the purpose of design competitions, future publications on design, educational purposes, marketing materials, and portfolio. Where applicable, The City of Lawrence/Douglas County will be given any necessary credit for usage of the project elements.

### **Reconciliation of Media Invoices**

It is further agreed that The City of Lawrence/Douglas County will assume liability for payment of all media purchases made by KERN Marketing Group on behalf of The City of Lawrence/Douglas County. KERN Marketing Group will invoice The City of Lawrence/Douglas County each month for creative services and any scheduled media from the previous month.

Upon receipt of station/media invoice affidavits of time ran KERN Marketing Group will analyze the invoice (s) for any errors or discrepancies. If there are errors, KERN Marketing will negotiate, and receive, for client, either station make-goods or station credits, with all station credits and/or make-goods applied to the next month's invoice.

### **Rejection/Cancellation of Agreement**

The City of Lawrence/Douglas County shall not unreasonably withhold acceptance of, or payment for, the project. The City of Lawrence/Douglas County will retain ownership of all materials paid for prior to cancellation. If, prior to completion of the project, the City of Lawrence/Douglas County observes any nonconformance with the design plan, KERN Group must be promptly notified in writing, allowing for necessary corrections. In the event of cancellation of the project, ownership of all copyrights and the original artwork and disks shall be returned and retained by KERN Group, and a fee for work completed, based on the contract price and expenses already incurred, shall be paid by The City of Lawrence/Douglas County. Agreement will become effective the date the agreement is signed below.



**Subsequent Changes to Initial Proposal**

If it becomes apparent to KERN Group that either cost or scheduling are going to be exceeded due to changes or additions initiated by The City of Lawrence/Douglas County or by unforeseen issues, KERN Group will advise City of Lawrence/Douglas in advance and will not proceed with changes without prior written authorization from the City of Lawrence/Douglas County.

**Acceptance of Agreement**

The above prices, specifications and conditions are hereby accepted. KERN Group is authorized to execute the project as outlined in this agreement. Retainer and any other expenses will be billed on a monthly basis with payment due within 30 days of receipt.

The City of Lawrence/Douglas County signature \_\_\_\_\_

KERN Group Inc. signature \_\_\_\_\_

Date \_\_\_\_\_





**DOUGLAS COUNTY ADMINISTRATIVE SERVICES**

**Division of Purchasing**

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

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

FROM: Jackie Waggoner, Purchasing Director  
Division of Purchasing

SUBJECT: Update on Fuel Contracts

DATE: January 10, 2013

In December 2011 our fuel contract expired. At that time the Board authorized staff to establish a contract with Capital City Oil to purchase 50% of our fuel volume using the "fixed cost plus" over the daily OPIS (Oil Producer Index Survey), and 50% on fixed rate hedge contracts for 2012. The contract allows the Board of County Commissioners to determine annually whether to participate in the fixed contracts, including determination of volumes.

Last year as we looked at participating 50% of our diesel and unleaded volumes, the per gallon prices were significantly lower than in the past. On January 11, 2012 authorization was given to the County Administrator to approve execution of the fuel purchase contracts. After analyzing our budget cost versus the fixed contract prices we increased our volumes to 75%. The attached table compares the fixed contracts to buying fuel using the "fixed cost plus" over the daily OPIS (includes mark-up, but excludes applicable freight and taxes). Below identifies our 2012 cost based on the average cost differences shown in the attached spreadsheet and our volumes:

*Diesel:* average difference of \$0.0468 x 67,610 gallons = \$3,164.15

*Unleaded:* average difference of \$0.0220 x 97,124 gallons = \$2,136.73

The table below gives you a summary of the cost savings/increases we have had over the past four years:

	2009	2010	2011	2012
Unleaded	*( <b>\$ 8,380</b> )	\$1,498	NA	\$2,137
Diesel	\$18,914	<b>(\$ 350)</b>	<b>(\$577)</b>	\$3,164
Average Cost Difference	\$10,534	\$1,148	<b>(\$577)</b>	\$5,301

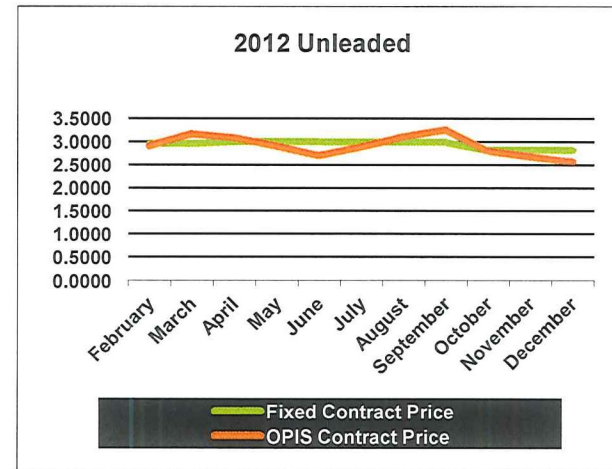
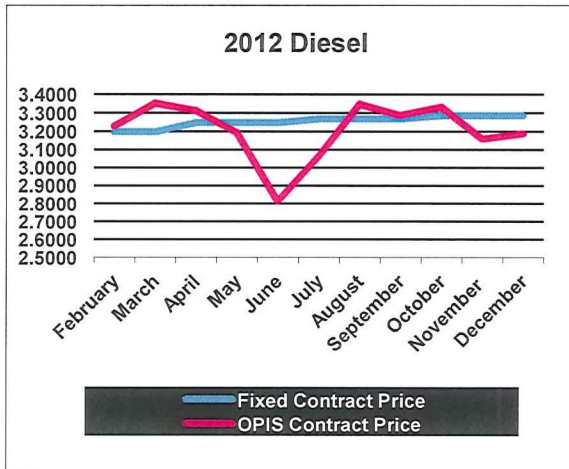
\*all red reflects a credit

As you can see, by participating in the fixed contracts over the past four years we have had an increase of \$16,406/\$4,101.50 annually. While there has been an overall cost increase, this approach can protect us against fuel spikes and provides an effective way to budget our fuel cost. One natural disaster can have a significant impact on the fuel market. It is staff's current recommendation to continue to participate in fixed rate hedge contracts committing 50% of our diesel and unleaded fuel. Given the market volatility, we are requesting the Board authorize the County Administrator to approve up to 75% participation in fixed rate hedge contracts.

Keith Browning, Doug Stephens and I will be available at the commission meeting (or before) to answer any questions you may have.

Diesel - 2012			
Month	Fixed Contract Price	OPIS Contract Price	Difference
February	3.1990	3.2300	(0.0310)
March	3.1990	3.3550	(0.1560)
April	3.2485	3.3150	(0.0665)
May	3.2485	3.1950	0.0535
June	3.2485	2.8150	0.4335
July	3.2700	3.0650	0.2050
August	3.2700	3.3500	(0.0800)
September	3.2700	3.2900	(0.0200)
October	3.2870	3.3350	(0.0480)
November	3.2870	3.1600	0.1270
December	3.2870	3.1900	0.0970
Average			0.0468

Unleaded - 2012			
Month	Fixed Contract Price	OPIS Contract Price	Difference
February	2.9615	2.9100	0.0515
March	2.9615	3.1700	(0.2085)
April	3.0003	3.0900	(0.0897)
May	3.0003	2.9100	0.0903
June	3.0003	2.7100	0.2903
July	2.9915	2.8900	0.1015
August	2.9915	3.1100	(0.1185)
September	2.9915	3.2600	(0.2685)
October	2.8247	2.8100	0.0147
November	2.8247	2.6900	0.1347
December	2.8247	2.5800	0.2447
Average			0.0220





## DOUGLAS COUNTY ADMINISTRATIVE SERVICES

### Division of Purchasing

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

FROM: Jackie Waggoner, Purchasing Director  
Division of Purchasing

SUBJECT: Consider a Design Service Agreement for Reconfiguration of Office Space for  
Emergency Communications Center and Emergency Management

DATE: January 10, 2013

In December 2012, the Board approved the reconfiguration of offices for Emergency Management (EM) and Emergency Communications Center (ECC), HVAC Separation Improvements, Electrical and Plumbing Improvements for the Radio Project at an estimated cost of \$350,000.

As you are aware, Treanor Architects services was retained to conduct a study of the Spaces associated with EM and ECC. For this reason, staff would like to waive the formal bidding process and contract with Treanor Architects for the design and documents for construction.

The scope of work for this project would be for the reconfiguration of EM and ECC, includes HVAC separation improvements, electrical improvements, and a screen (TBD) for the generator (estimated cost of \$25,000-\$30,000). The generator is subject to a Historical Review which may require a screen. The cost to complete these services is 9.5% of the cost of construction with a cap not-to-exceed \$35,000.

The County's Purchasing Policy requires staff to solicit formal bids or access a Cooperative or State contract for purchases exceeding \$20,000. Our recommendation would require the Board to waive this requirement.

Funding for this project will be included in the debt bonds for the radio project. Sarah and I will be available at the meeting to answer any questions you may have.

**RECOMMENDATION:** The Board of County Commissioners waives the formal bidding process and approves a contract for design services with Treanor Architects for 9.5% of the cost of construction with a cap not-to-exceed \$35,000.

## MEMORANDUM

To : Board of County Commissioners

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

Date : January 11, 2013

Re : Consideration of Dust Palliative Program for 2013

It is desired to again make available a user-fee dust palliative program for county residents living adjacent to rock surfaced roads. In past years Douglas County has brokered this program with residents paying for the actual cost of material used plus an administrative fee to help absorb our inspection and administrative costs. Participants in the program are also charged a fee to help cover the cost of preparing the road for the dust palliative application.

Last year the material fee of \$1.00/l.f. allowed for a total application rate of 0.48 gal/square yard (initial application of 0.30 gal/square yard followed by a second application of 0.18 gal/S.Y.), which is very close to the ideal rate of 0.50 gal/square yard. It is anticipated the 2013 material cost for magnesium chloride will not significantly increase. The material fee also needs to cover the cost of applying water to the road in preparation for dust palliative treatment. Last year's cost for applying water was approximately \$1,051, while the 2011 cost was \$743, and the 2010 cost for water was \$4,500. Water application costs vary depending on moisture conditions and the availability of county equipment and personnel. Assuming the costs for magnesium chloride material and water application do not significantly increase, it is recommended to continue the \$1.00/l.f. material fee.

Last year we lowered the road preparation fee from \$0.60 per linear foot to \$0.40 per linear foot. We recommend keeping the road preparation fee at \$0.40 per linear foot for 2013.

We also track the county's administrative costs. Administrative costs were \$90.16 per applicant in 2012, \$60.16 per applicant in 2011, \$83.86 per applicant in 2010, \$70.33 per applicant in 2009, and \$56.30 per applicant in 2008. A major factor in the increase in administrative costs per applicant is the reduced number of applicants. The number of applicants has decreased from 115 applicants in 2008 to 71 applicants in 2012. These costs also vary according to various factors including weather and the contractor's supply of available tanker trucks for applying the dust palliative solution. We feel the 2012 costs were abnormally high. We recommend keeping the administrative fee for the 2013 program at \$60.00 per applicant.

MEMORANDUM  
January 11, 2013

As in the past, we again propose requiring an additional fee for late applications. We typically have people submit applications following the application deadline, and we can usually accommodate them. However, there are additional county costs to accommodate late applications. We propose continuing a \$15.00 late fee for applications submitted between the submittal deadline and the bid opening date. Following the bid opening date, we will accept no applications.

As in previous years, we recommend soliciting alternate bids for both magnesium chloride and calcium chloride. It is anticipated that again this year magnesium chloride will be much cheaper. All the evidence indicates that, given identical conditions, magnesium chloride is just as effective as calcium chloride.

Assuming approval of this year's program by the BOCC, we intend to set a March 8 deadline for residents to turn in applications to be included in this year's dust palliative program. Bid documents would then be prepared and distributed with a tentative March 29 bid opening date. A bid recommendation would then be made to the BOCC, and the first application of the dust palliative would tentatively occur from May 6-May 17. A second application would be placed in mid- to late-June.

The 2013 Road & Bridge Fund 201 includes funds to treat approximately 7.5 miles of rock roads. Rock road sections which have been previously stabilized require an annual palliative treatment to minimize dust. There are also road sections requiring dust palliative due to safety concerns of limited visibility.

Action Required: Permission to continue brokerage of a dust palliative program with 2013 user fees set at \$1.40/linear foot (\$1.00/l.f. for dust palliative material and water, and an additional \$0.40/l.f. user fee to cover road preparation costs), plus an administrative fee of \$60.00 per applicant, plus a late fee of \$15.00 per application submitted after the deadline. Also, permission to advertise for bidders once the application process has been completed.

**STAFF REPORT  
BOARD OF COUNTY COMMISSION  
JANUARY 16, 2013**

**DETAILED RECLAMATION PLANS FOR BIG SPRINGS QUARRY PHASE 6; 2 N 1700 ROAD**

Staff review of detailed reclamation plans for Phase 6 of Big Springs Quarry, located at 2 N 1700 Road. Submitted by Professional Engineering Consultants for Mid-States Materials, quarry operator.

**STAFF RECOMMENDATION:** Staff recommends that the Board of County Commissioners approve the detailed reclamation plans for Phase 6 subject to the following conditions:

1. The following revisions made to the reclamation plans:
  - a. Remove the berm shown along N 1700 Road/Route 442.

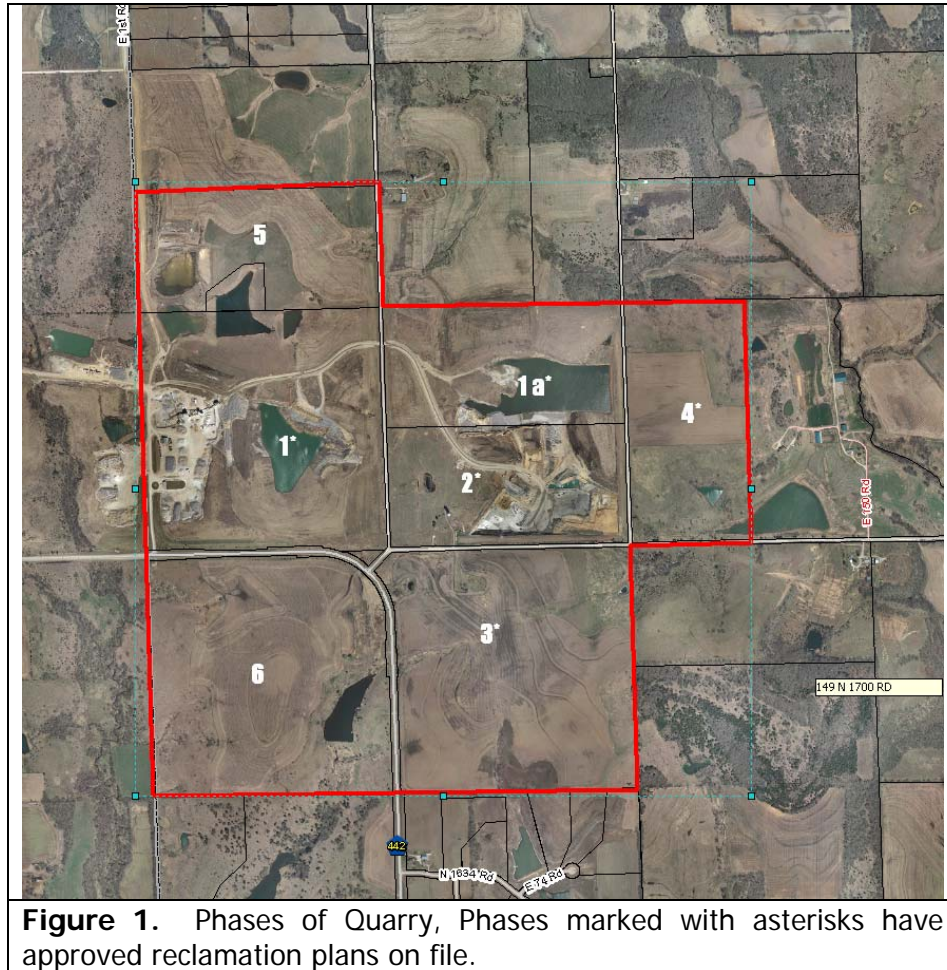
**Attachment:** Detailed reclamation plans.

Condition 8 of the Big Springs Quarry Conditional Use Permit requires that reclamation plans be submitted for review and recommendation by the Planning staff and approval by the County Commission. The condition requires that each reclamation plan be submitted prior to the opening of the following phase of quarrying activity. Mid-States Materials has submitted Phase 6 Reclamation Plans in anticipation of beginning quarrying in that phase. Detailed reclamation plans for Phases 1a, 2, 3, and 4 were submitted and approved in 2009 as part of the Consent Decree. Reclamation plans for Phase 1 were approved earlier; however, reclamation of Phase 1 will be the last step as it contains the administrative office, processing area, and scale house. While the reclamation plan for Phase 6 is under consideration, approval of the reclamation plan is not an approval to begin quarrying in this phase. Quarrying has not yet occurred in Phase 4 or 5. A revised phasing plan, if proposed, would need to be brought before the County Commission for approval, with public notice.

**RESOURCES USED FOR REVIEW**

Staff reviewed the reclamation plans for compliance with the following:

- Requirements in the reclamation plan submitted with the original bound application.
- Requirements in the staff report: "Reclamation, the Process and the Plan"; as referenced in the CUP.
- Requirements in the minutes of the Sept 26, 1990 Planning Commission meeting; as referenced in the CUP.



**Figure 1.** Phases of Quarry, Phases marked with asterisks have approved reclamation plans on file.

#### RECLAMATION PLANS REQUIREMENTS FROM CUP

The staff report "Reclamation: The Process and the Plan" clarified the various types of post mine activity by stating " *Restoration* implies that the conditions of the site prior to the time of disturbance will be replicated after the action that disturbed the land is terminated. *Reclamation* implies that the site is habitable by organisms that were originally present or by others that are similar to the original habitants. *Rehabilitation* implies that land will be returned to a form and level of productivity that conforms with a prior land use plan."

Per Condition 8 of the CUP (revised 1992): "The property shall be reclaimed to a state similar to the existing state (or better) with reference to general topography, percent slope and plant and animal life supported by the established ecosystem." This section referred to pages 3 and 4 of the September 26, 1990 minutes.

The following information is included in the minutes and the report, "Reclamation, the Process and the Plan":

- Final reclamation plans call for reshaping of the terraced areas to blend with the existing, adjoining contours.
- Topography of the existing site would be replicated at the final ground level elevation, which is estimated on an average to be 15' lower than existing grade.
- Topsoil in the berms will be redistributed across the site as the areas are reclaimed.

- Final site reclamation is proposed to be at an elevation of no higher than the surrounding land.
- Each phase, when reclaimed, is proposed to have a pond. Ponds should be stocked with fish as part of the re-establishment of a self-sustaining biological community.

### **STAFF REVIEW**

As a note related to previous reclamation activities on the site, Mid-States Materials was awarded the 2011 Governor's Mined Land Reclamation Award for reclamation activities with the Big Spring Quarry in Douglas County. Scott Carlson, Kansas Mined Land Reclamation Program Manager noted that Mid-States Materials went beyond state reclamation requirements, creating numerous environmental and wildlife benefits on the reclaimed acreage.

The following review of the reclamation plan for Phase 6 focuses on the drainage plan; timing of reclamation; and the resultant topography, water features, and vegetation.

The CUP requires that a drainage plan be provided with the reclamation plan. The County Engineer reviewed the drainage plan which was provided and determined, after revisions were made, that the study was acceptable.

The Cover Sheet explains the sequential nature of the reclamation. Reclamation will occur sequentially with mining activity as required by the CUP.

The reclamation plans represent the final grading and contouring after mining and reclamation work is complete for Phase 6. The actual location and quantity of limestone deposits will be determined during the quarrying process; therefore, as the reclamation plans are being provided prior to any quarrying activity on the phase, it is understood that the actual reclamation may vary somewhat from the plans. The County Commission approved the following range of variation with the Phase 1a, 2, 3, and 4 reclamation plans:

Final grade may be up to 5 ft higher and up to 10 ft lower than shown on the plan.

Water bodies may change; however, the surface area of any water body or bodies may not exceed 40% of the disturbed area in the watershed contributing to that water body or bodies.

This range of variation is noted in General Note 2 on the Cover Sheet.

The slopes of the water features will be 3:1 or flatter. The County Commission approved the use of natural strata with a stable slope steeper than 3:1 and 8 feet high or less in height above the established water surface elevation with the reclamation plans submitted with the Consent Decree. The Phase 6 reclamation plan notes that this option, if proposed, would require County Commission approval of a revised reclamation plan showing this change.

The topography proposed is compliant with the reclamation plan requirements, with the exception of the 10 ft berm shown along N 1700 Road/Route 442. This berm should be removed from the reclamation plan.

The reclamation plan (Figure 2) shows reclamation occurring between the mining setbacks and the additional triangular setback along E 50 Road. No setback is shown along the west property line as the adjacent property is owned by Mid-States Material. Condition 13 of the CUP provides for a perimeter setback exception stating that the setback along the west shall be eliminated at the time adjoining property in Shawnee County is actively quarried and/if the operation is under



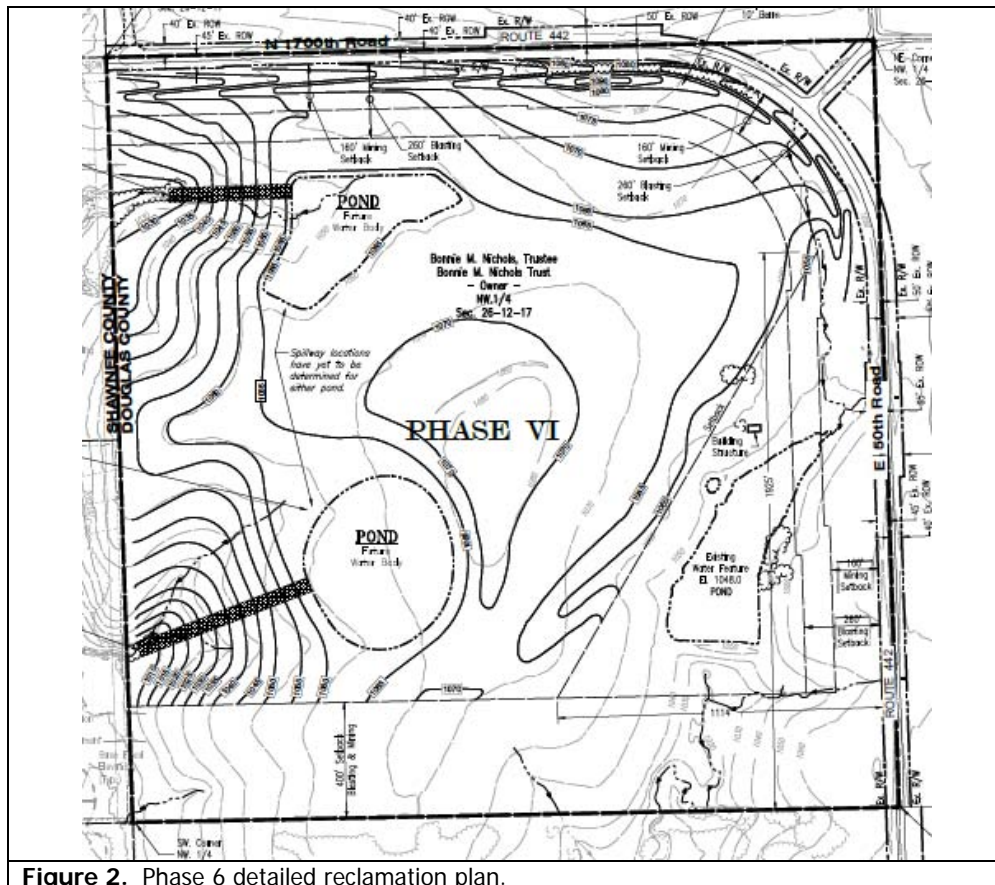
the same operator. Shawnee County confirmed that an active CUP is on file for quarrying of the property to the west and that Mid-States Materials is the operator.

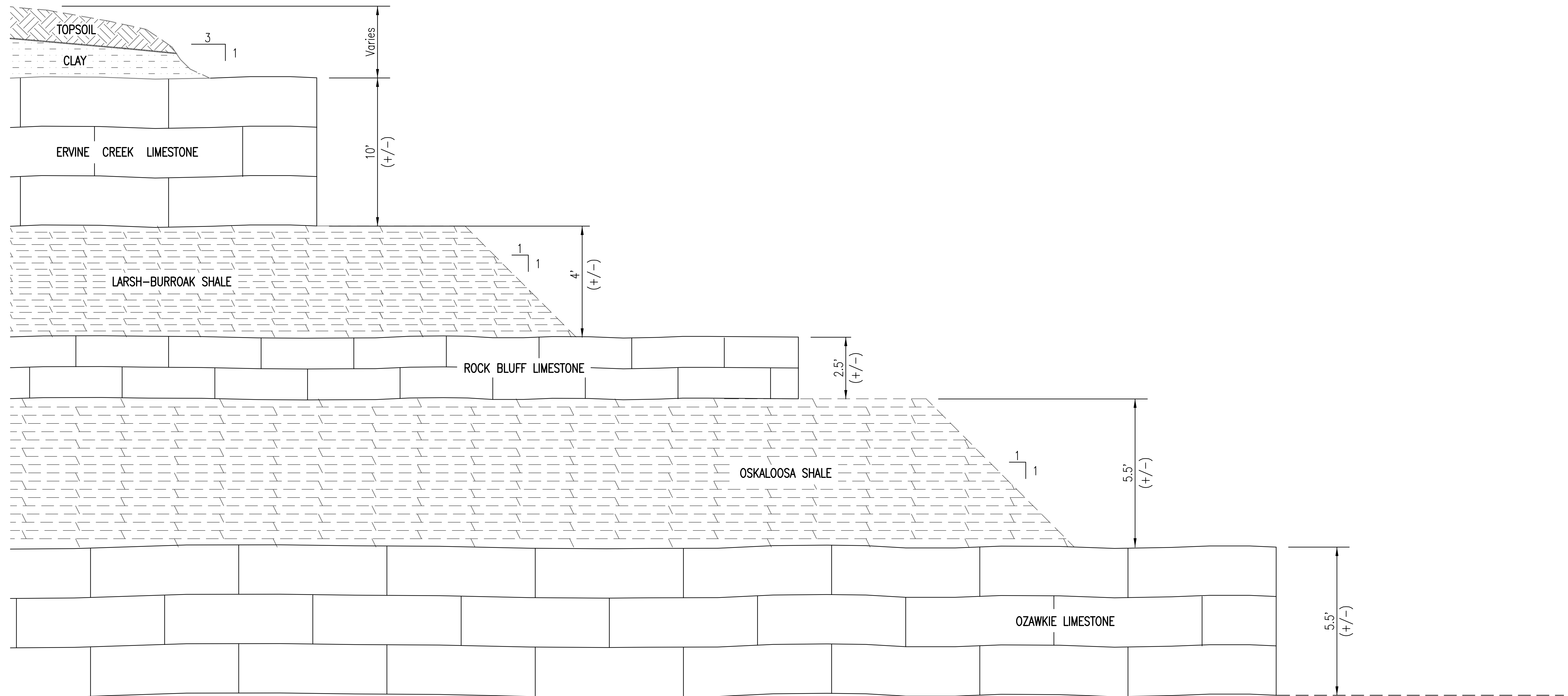
The water features are shown more than 300 ft from the roadways with the exception of the existing pond. As no changes are being proposed to this existing pond it is not required to comply with the 300 ft separation. The new contours are generally about 5 ft lower than the existing contours; however, this may change somewhat depending on the amount of deposit which is available and removed.

The proposed seeding includes 3 options, Option A is a prairie grass/wildflower mix; Option B is wildlife habitat mix in accordance with standards of Quail Unlimited and Option C is brome-grass for livestock production. In areas for erosion control, mowed lawns, and berms seeding shall be K-31 fescue at 300 pounds per acre and annual rye at 50 pounds per acre.

Mid-States proposes an end land use of 'agriculture, recreation and wildlife habitat' for the quarried land. The proposed reclamation plan will result in land which is suitable for these uses.

As conditioned, the reclamation plan provided complies with the requirements in the Conditions of the Conditional Use Permit. Staff recommends approval of the Reclamation Plan for Phase 6 subject to the condition that the berm along N 1700 Road/Route 442 be removed with reclamation.

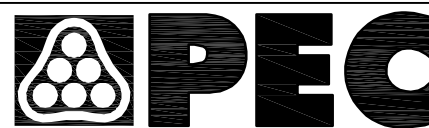




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No.	Revision	By	Date

**BIG SPRINGS QUARRY**  
 DOUGLAS COUNTY, KANSAS  
 GENERALIZED QUARRY CROSS SECTION


**PROFESSIONAL ENGINEERING CONSULTANTS, P.A.**  
 1263 SW TOPEKA BLVD. TOPEKA, KS 66612  
 785-233-8300 www.pec1.com

Designed by	MWB	Job No.	12A06	Sht. 5 of 5
Drawn by	MAM	Date	April 2012	



# BIG SPRINGS QUARRY

## RECLAMATION PLAN

### PHASE VI

# DOUGLAS COUNTY, KANSAS

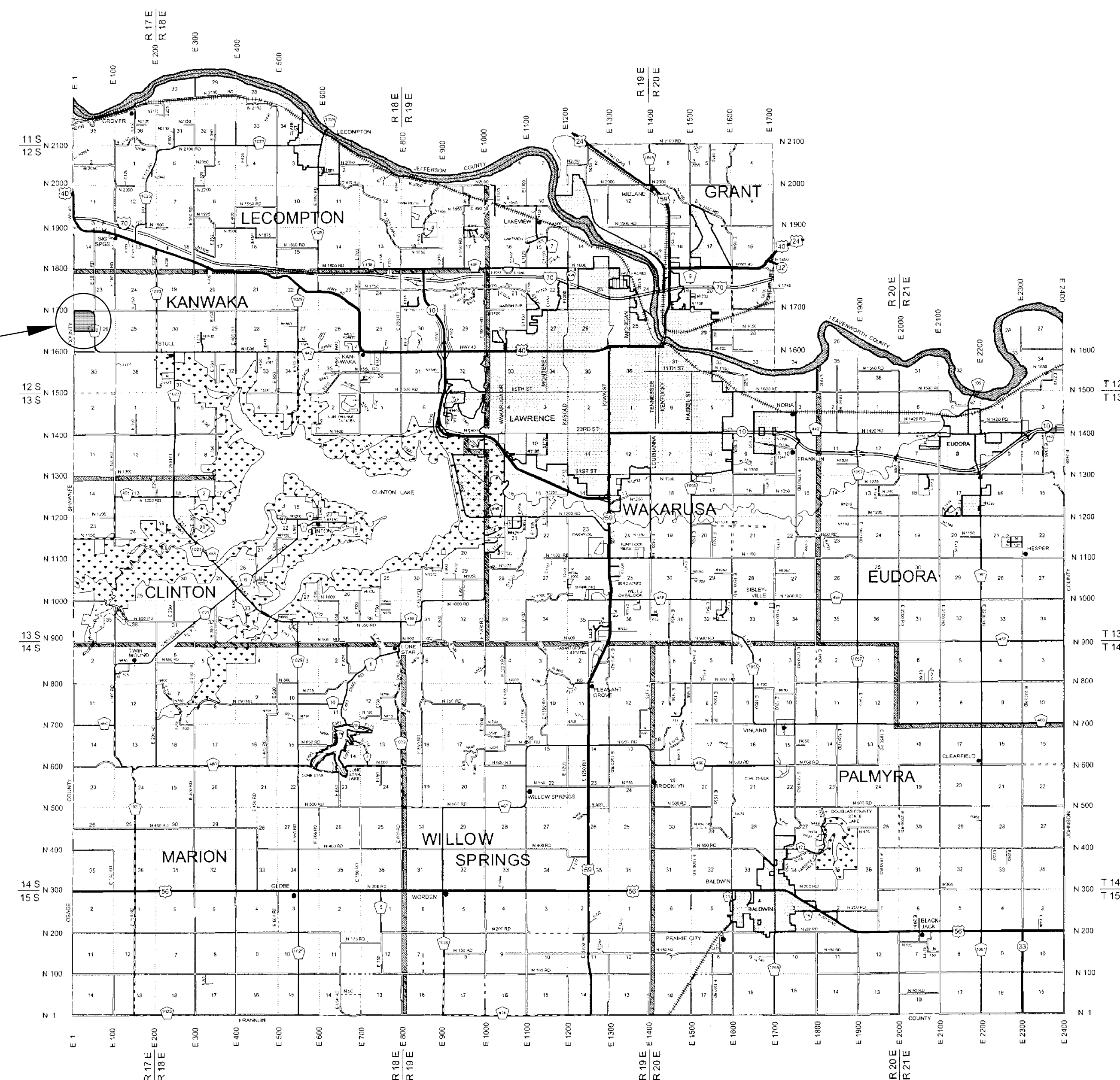
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QUARRY LOCATION

#### LEGAL DESCRIPTION

The Northwest Quarter of Section 26, Township 12 South, Range 17 East of the Sixth Principal Meridian, less road Right-of-Way, in Douglas County, Kansas. As Recorded in Deed Book 1045, Page 1714.



#### GENERAL NOTES

1. All quarry operations will be performed in accordance with the Storm Water Pollution Prevention Plan (SWPPP) on file with the Kansas Department of Health And Environment, as it may be amended from time to time.
2. The detailed reclamation plans presented herein are subject to change based on variable field conditions relative to soil and rock volumes, soil and rock characteristics, and field conditions which may be encountered during the mining and reclamation processes. Landforms indicated are general in nature and final elevations may vary as much as 5 feet higher or 10 feet lower than shown on the plans. Water bodies may change relative to size, location, slope and elevation as field conditions dictate. The surface area of any water body or bodies will not exceed 40% of the disturbed area in the watershed contributing to that water body or bodies. There is no minimum range for the surface area of the water body. Each water body shall have an outflow spillway that matches the elevation of the existing waterway to allow the existing drainage pattern to be maintained. The surface area of the water body is measured at spillway elevation. No newly constructed water body shall extend to a depth below elevation 1042. No newly constructed water body shall be located within 300 feet of an exterior property line. Depth and surface area of water bodies will vary based on climatic conditions. Any other variations or variations beyond the ranges specified in this note will require a revision to the reclamation plan. The revised reclamation plan shall be submitted to the Planning Office for review and the Board of County Commissioners for approval. Provided however, no man-made earth slope, with the exception of the slope of the water feature below the established water level, shall exceed 3:1, and provided that where approved, in a revised Reclamation Plan by the Board of County Commissioners, natural strata with a stable slope steeper than 3:1, and 8 feet high or less in height above the established water surface elevation may be retained for any water feature.
3. The operator shall, in good faith, work with the downstream landowners to effectively manage surface water flows for the benefit of said landowners and the quarry at large.
4. GENERAL SEQUENCING PLAN

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

- a. Place erosion control sediment barriers on down gradient side of earthmoving operations.
- b. Fill excavated area with overburden material taken from active mining processes or available stockpiles.
- c. Where water bodies are to be created, the slope above the planned water's edge will be shaped to a gradient of 3:1 or flatter. Natural strata along the water body may be retained in place for bank stabilization, or stone may be placed at the planned water's edge to stabilize the bank.
- d. All man-made slopes will be graded to have slopes 3:1 or flatter, with the exception of the slope of the water feature below the planned water level, and provided that where approved, as noted in Note 2 above, natural strata with a slope steeper than 3:1 may be retained for stabilization of the bank of any water feature. Where appropriate, terraces will be installed to minimize erosion. Final grading shall produce a pleasing appearance by forming natural rounded slopes in accordance with the slope criteria stated above.
- e. After finish grading, the surface shall be disked to a depth of six inches. A thickness of four inches of topsoil shall be placed on all areas to be vegetated. Topsoil material to be taken from topsoil stockpile(s) on site.
- f. All disturbed non-water body areas shall be seeded and mulched. Seeding shall be either:
  - Option A: prairie grass/wildflower mix for the District 1 area in accordance with the standards of the Kansas Department of Transportation;
  - Option B: wildlife habitat mix in accordance with the standards of Quail Unlimited; or
  - Option C: Bromegrass for livestock production in accordance with the recommendations of the Kansas State University Extension office.
 Prairie hay or wheat straw mulch shall be applied at a rate of two tons per acre and tacked down. In areas seeded for erosion control, mowed lawns, and berms, seeding shall be K-31 fescue at 300 pounds per acre and annual rye at 50 pounds per acre.
- g. Install and maintain temporary sediment barriers in accordance with best management practices until vegetation is established.

#### MONITORING AND MANAGEMENT PLAN FOR THE RECLAMATION PROCESS

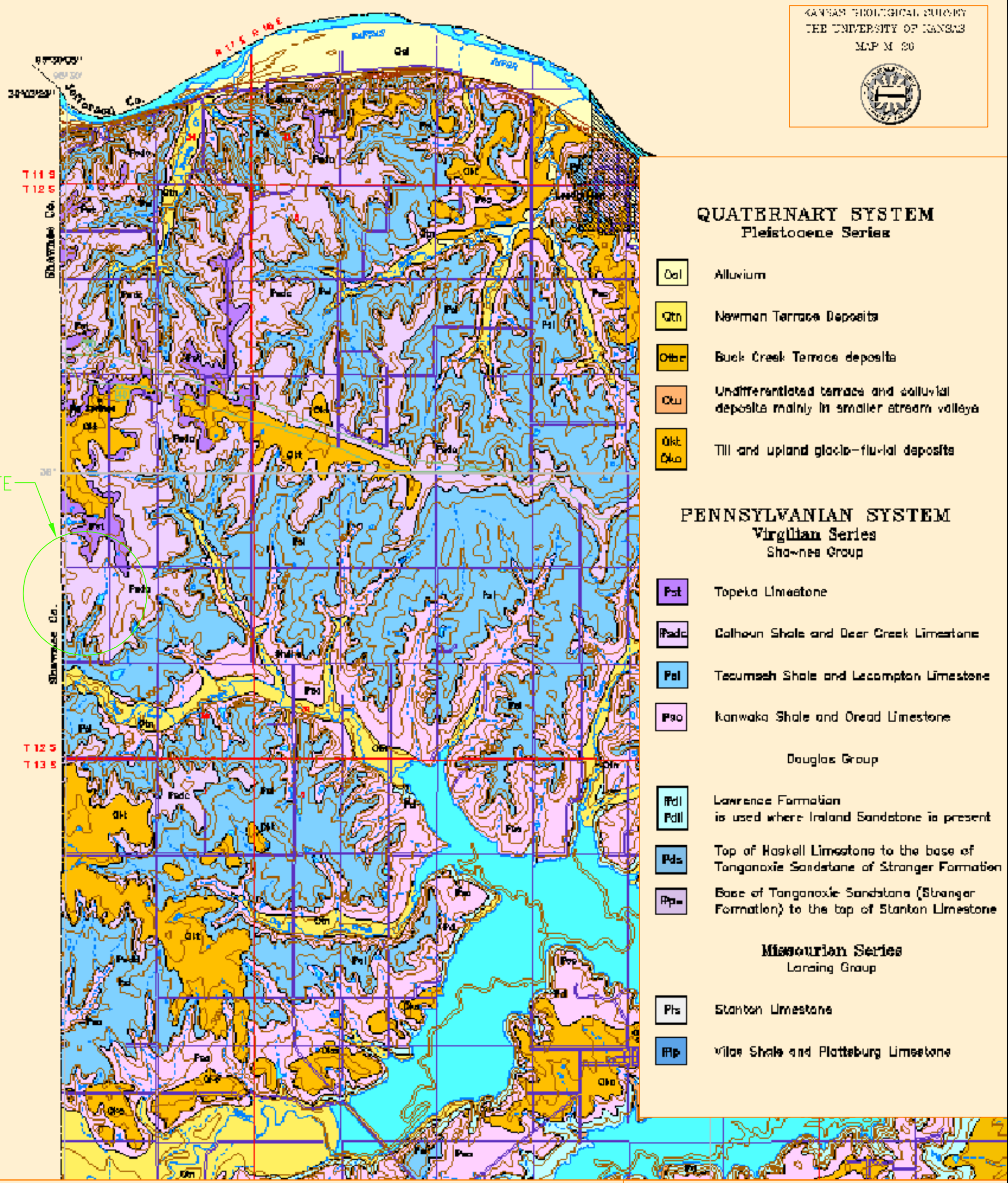
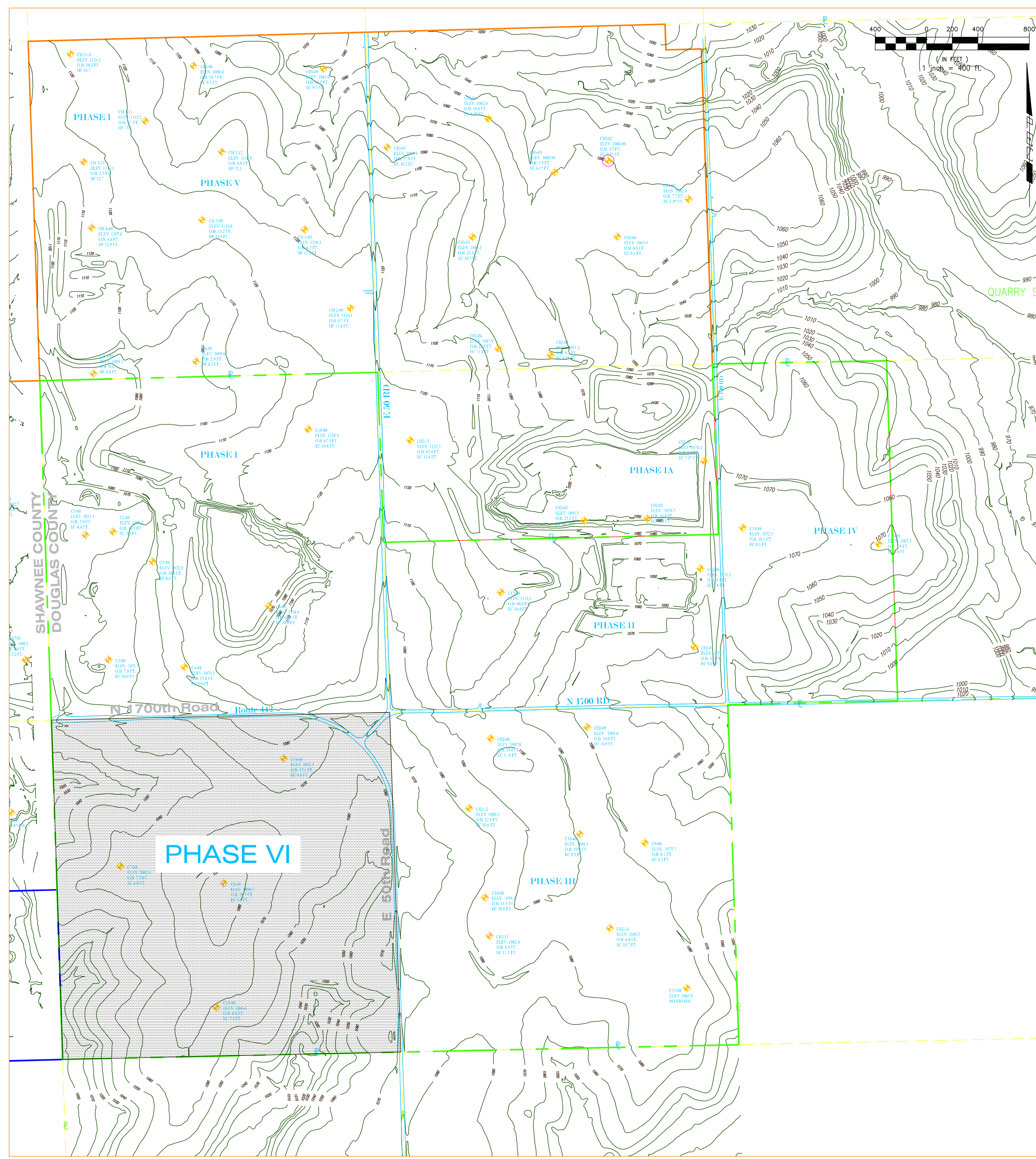
- A. Stockpiles for topsoil material will be incorporated into screening berms. Overburden materials will be immediately utilized in reclamation of quarried areas. Limestone materials will be processed, stockpiled and sold in the southwest corner of Phase I.
- B. Based on current market conditions, materials are anticipated to be extracted at a rate of 900,000 to 1,100,000 cubic yards per calendar year. Reclamation is solely based on market conditions and is ultimately unknown at this time.
- C. In addition to periodic self-monitoring of the quarrying and reclamation processes, monitoring will be performed by the following government oversight agencies:
  1. United States Department of Homeland Security Bureau of Alcohol, Tobacco, and Firearms
  2. United States Department of Labor Mining Safety and Health Administration
  3. Kansas Department of Health and Environment Bureau of Water
  4. Kansas Department of Health and Environment Bureau of Air
  5. Kansas Department of Agriculture Division of Water Resources
  6. Kansas State Conservation Commission
  7. Douglas County Zoning and Code Enforcement
  8. Douglas County Public Works
  9. City of Lawrence-Douglas County Planning and Development Services

**NOVEMBER 2012**  
**PEC PROJECT No. 12A06-6500**



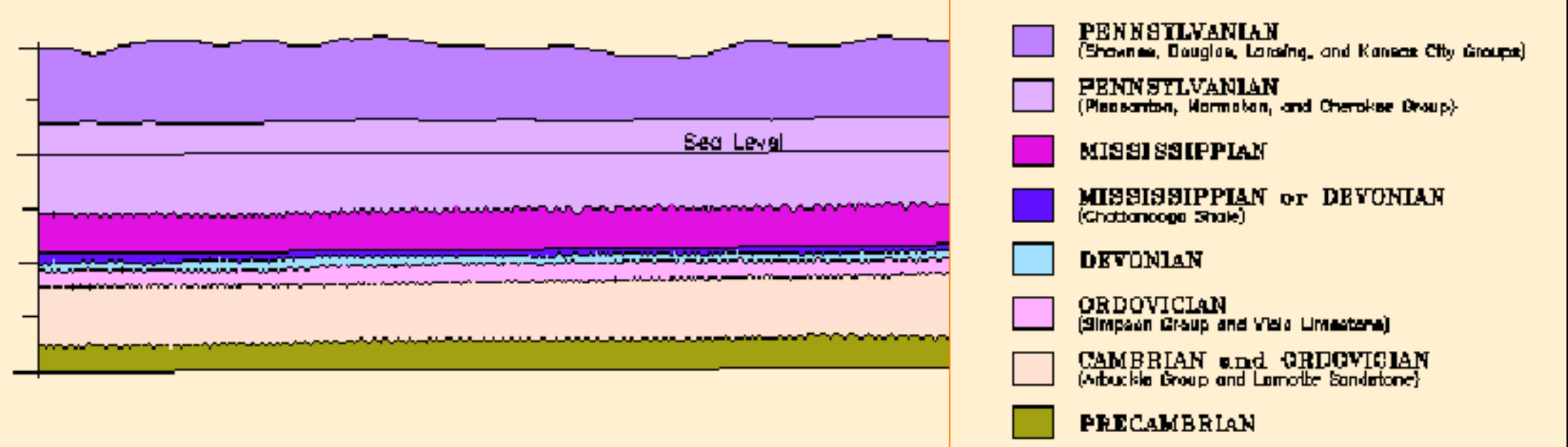
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- QUATERNARY SYSTEM**  
Pleistocene Series
- Qal Alluvium
  - Qtn Newnan Terrace Deposits
  - Qbc Buck Creek Terrace deposits
  - Qun Undifferentiated terraces and colluvial deposits mainly in smaller stream valleys
  - Qtk Till and upland glacio-fluvial deposits
- PENNSYLVANIAN SYSTEM**  
Virgilian Series
- Sho-nee Group
  - Tapeta Limestone (Tol)
  - Galhoun Shale and Deer Creek Limestone (Pdc)
  - Tecumseh Shale and Leocompton Limestone (Tol)
  - Kanwaka Shale and Oread Limestone (Pko)
- Douglas Group
- Lawrence Formation (Lal)
  - Top of Haskell Limestone to the base of Tonganoxie Sandstone of Stronger Formation (Pds)
  - Base of Tonganoxie Sandstone (Stronger Formation) to the top of Stanton Limestone (Pps)
- Missourian Series**  
Lansing Group
- Stanton Limestone (Pis)
  - Viles Shale and Platteburg Limestone (Pip)

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



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

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No.	Revision	By	Date

**BIG SPRINGS QUARRY**  
DOUGLAS COUNTY, KANSAS  
**OVERALL GEOLOGY MAP**

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