

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, MARCH 13, 2013

4:00 p.m.

-Consider the minutes for December 5, December 12 and December 19, 2012; and February 13, 2013

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Review and Approve 7th Judicial District Juvenile Justice Authority Prevention, and Core Services Funding Application for FY 2014. (Pam Weigand);
- (c) Consider approval of Crushed Rock Bids for Road Maintenance (Keith Browning);
- (d) Consider approval to submit Heritage Preservation Fund (HPF) Grant to support 2013 Historic Resources Survey of Wakarusa Township (Jeanette Blackmar);
- (e) Consider adoption of rezoning Resolution for Sadies Lake property. Consideration of this item was held until the conditions of approval were met, which included the recording of a final plat for the property (Linda Finger);
- (f) Consider adoption of Home Rule Resolution amendment to Chapter 13 Construction Codes pertaining to Unsafe Structures and Right-of-Entry (Linda Finger);
- (g) Consent approval of Bids for Noxious Weed Herbicides (Keith Browning);
- (h) Consider modifications to Lone Star Lake marina building improvements for the bidding process (Jackie Waggoner/Doug Stephens); and
- (i) Consider approval of asphalt supply contract for 2013 Maintenance Season (HMA)(Keith Browning).

REGULAR AGENDA

- (2) Consider waiving formal bidding process and authorizes staff to enter into negotiations with Spillman Technologies for a countywide CAD/Mobile/RMS solution. (Scott Ruf)
- (3) (a) Consider approval of Accounts Payable (if necessary)
- (b) Appointments
 - Lawrence Douglas County Metropolitan Planning Commission 05/13
 - Heritage Conservation Council 05/13
 - Property Crimes Compensation Board 04/13
- (c) Public Comment
- (d) Miscellaneous

RECESS

RECONVENE

6:35 p.m.

- (4) Public Meeting on Sheep Shearing Open Farm Day (Natayla Lowther)
- (5) **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. (*The County Commission considered this CUP at their February 27, 2013 meeting and directed staff to draft a set of conditions to reflect the Commission's discussion and return the item to the Commission on March 13, 2013.*)(Mary Miller will present the item)
- (6) Adjourn

WEDNESDAY, MARCH 20, 2013 – Light Meeting

WEDNESDAY, MARCH 27, 2013

4:00 p.m.

-Consider approval of a request to fund a portion of a feasibility study for an intergenerational campus village in -- the amount of \$12,500.00. This initiative is part of the recommendations received from the Retiree Attraction and Retention Task Force. (Hugh Carter/Commissioner Flory)

6:35 p.m.

-CUP-12-00099 Consider revised phasing schedule for Big Springs Quarry, CUP-12-09-06, located at 2 North 1700 Road, Lecompton. Submitted by Eric Bettis, for Mid-States Materials; operator of Big Springs Quarry. Mary Miller will present.

WEDNESDAY, APRIL 3, 2013

WEDNESDAY, APRIL 10, 2013

-Proclamation for "National Telecommunicator's Week" (Scott Ruf)

WEDNESDAY, MAY 22, 2013-Cancelled

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

MEMORANDUM

TO: Board of County Commissioners, Douglas County
Craig Weinaug, County Administrator

FROM: Pam Weigand, Youth Services Director

SUBJECT: Review and Approve 7th Judicial District Juvenile Justice Authority Prevention, and Core Services Funding Application for FY 2013.

DATE: March 4, 2013

We were notified in late November regarding the 7th Judicial Districts projected allocation for the SFY 2014 grant cycle. As you can see from the chart below the allocation for core programs (Intake and Assessment, Intensive Supervised Probation and Case Management) experienced a significant reduction (**\$37,752.00**). This reduction is due in part to our decreasing ADP (average daily population) of youth served by the core programs. The core program reductions were calculated using percentage of total budget from SFY 2013. Note: prevention funds cannot be used for core programs.

Our funding situation for prevention programs in SFY 2014 remains the same as last year. The 7th Judicial Districts prevention funding priorities that were established in 2012 have not changed.

7th Judicial District Juvenile Justice Authority Funding Request Summary FY 2014						
Program Number	Applicant Agency	Program	FY2012 Awarded	FY2013 Allocation	Reduction From FY13	FY2014 Allocation
P147-1	Bert Nash Mental Health Center	Working to Recognize Alternative Possibilities	\$13,224.00	\$13,224.00		\$13,224.00
P147-3	K.U. Center for Research Inc.	KU Truancy Prevention and Diversion Program	\$9,189.00	\$9,189.00		\$9,189.00
Prevention Programs Sub Total			\$22,413.00	\$22,413.00		\$22,413.00
GS147-1	The Shelter Inc.	Juvenile Intake and Assessment (JIAS)	\$171,372.00	\$158,380.00	\$11,609.00	\$146,771.00
GS147-2	Douglas County Youth Services	Juvenile Intensive Supervised Probation (JISP)	\$255,589.00	\$236,212.00	\$17,312.00	\$218,900.00
GS147-3	Douglas County Youth Services	JJA Case Management	\$130,384.00	\$120,499.00	\$8,831.00	\$111,668.00
Core Services Sub Total			\$557,345.00	\$515,091.00	\$37,752.00	\$477,339.00
7th JUDICIAL DISTRICT TOTAL			\$579,758.00	\$537,504.00		\$499,752.00

The funding recommendations were reviewed and approved by the Douglas County Juvenile Corrections Advisory Board at their meeting on January 8, 2013.

I will be available at the Board meeting to answer any questions.

Thank you for your consideration.

MEMORANDUM

To : Board of County Commissioners
From : Keith A. Browning, P.E., Director of Public Works/County Engineer
Date : March 6, 2013
Re : Consent Agenda Approval of Crushed Rock Bids for Road Maintenance

Sealed bids were opened February 19 for crushed rock aggregates used for road; and bridge maintenance. A bid tabulation is attached.

This department requests the BOCC accept the following bids:

<u>Aggregate</u>	<u>Vendor</u>	<u>Quantity (tons)</u>	<u>Quarry</u>	<u>Unit Price</u>
Road Rock (Special)	Hunt-Martin	1000-3000	Sunflower	\$7.70
	Hamm	1000-3000	Buchheim	\$8.55
	Mid-States	1000-3000	Globe	\$9.50
AB-3	Hunt-Martin	1000-3000	Sunflower	\$6.70
	Hamm	1000-3000	Buchheim	\$7.00
	Mid-States	1000-3000	Globe	\$8.35
Shot Rock	Hamm	1,000-3,000	Eudora	\$11.00
	Mid-States	1,000-3,000	Globe	\$11.50
Rip Rap	Hunt-Martin	500-1,500	Sunflower	\$ 16.50
	Mid-States	500-1,500	Globe	\$ 20.00
	Mid-States	500-1,500	Big Springs	\$ 20.00

Accepting bids from two or more vendors for a particular aggregate allows us to consider haul costs to the project site when determining where to obtain rock.

As you recall, in 2012 we received permission from the Board of Commissioners to purchase 15,000 tons of aggregate base material from Ames Construction for \$4.75/ton. This year Ames offered to sell Douglas County additional aggregate for \$4.25/ton. We request permission to enter into an agreement with Ames Construction for a minimum purchase of 15,000 tons of aggregate base material. Road & Bridge Fund 201 has \$265,000 allocated in the Road Rock, Rip Rap and Special Aggregate line items. There is an additional \$11,700 in the Parks budget for Rip Rap.

Action Required: Consent Agenda acceptance of the bid from Mid-States Materials for the supply of 1,000-3,000 tons Road Rock (Special), 1000-3000 tons of Combined Material (AB-3), 1000-3000 tons Shot Rock and 500-1500 tons of Rip Rap from both the Globe and Big Springs quarries, and the bid from Hamm Quarries for 1000-3000 tons of Road Rock (Special), 1000-3000 tons of Combined Material (AB-3), 1000-3000 tons of Shot Rock and the bid from Hunt Martin for 1000-3000 tons Road Rock (Special), 1000-3000 tons Combined Material (AB-3) and 500-1500 tons of Rip Rap.

In addition, grant permission for the Public Works Director to enter into an agreement with Ames Construction for the purchase of 15,000 tons of aggregate base material for \$4.25/ton.

SHOT ROCK

		Quarry # 1	Quarry # 2	Quarry # 3	Quarry # 4
VENDOR	QTY/TON	\$/Ton	\$/Ton	\$/Ton	\$/Ton
		Sunflower	Ottawa		
Hunt Martin	1000-3000	\$10.20	\$9.75		
		LeLoup			
Penny's Conc	1000-3000	\$8.10			
		Buchheim	Harrell	N. Law.	Eudora
Hamm	1000-3000	No Bid	No Bid	\$11.50	\$11.00
		Big Spgs.	Globe	Edgerton	
Mid States	1000-3000	\$11.50	\$11.50	\$11.50	

AB-3

AB-3

		Quarry # 1	Quarry # 2	Quarry # 3	Quarry # 4		Quarry # 1	Quarry # 2	Quarry # 3	Quarry # 4
VENDOR	QTY/TON	\$/Ton	\$/Ton	\$/Ton	\$/Ton	QTY/TON	\$/Ton	\$/Ton	\$/Ton	\$/Ton
		Sunflower	Ottawa				Sunflower	Ottawa		
Hunt Martin	1000-3000	\$6.70	\$6.70			3001-8000	\$6.50	\$6.50		
		LeLoup					LeLoup			
Penny's Conc	1000-3000	\$6.75				3001-8000	\$6.65			
		Buchheim	Harrell	N. Law.	Eudora		Buchheim	Harrell	N. Law.	Eudora
Hamm	1000-3000	\$7.00	\$6.50	\$7.00	\$7.90	3001-8000	\$7.00	\$6.50	\$7.00	\$7.90
		Big Spgs.	Globe	Edgerton			Big Spgs.	Globe	Edgerton	
Mid States	1000-3000	\$7.35	\$8.35	\$6.50		3001-8000	\$7.35	\$8.35	\$6.50	

SS-3

SS-3

		Quarry # 1	Quarry # 2	Quarry # 3	Quarry # 4		Quarry # 1	Quarry # 2	Quarry # 3	Quarry # 4
VENDOR	QTY/TON	\$/Ton	\$/Ton	\$/Ton	\$/Ton	QTY/TON	\$/Ton	\$/Ton	\$/Ton	\$/Ton
		Sunflower	Ottawa				Sunflower	Ottawa		
Hunt Martin	100-3000	\$7.70	\$7.70			3001-10000	\$7.50	\$7.50		
		LeLoup					LeLoup			
Penny's Conc	100-3000	\$7.35				3001-10000	\$7.25			
		Buchheim	Harrell	N. Law.	Eudora		Buchheim	Harrell	N. Law.	Eudora
Hamm	100-3000	\$8.55	\$7.50	\$8.70	\$8.00	3001-10000	\$8.55	\$7.50	\$8.70	\$8.00
		Big Spgs.	Globe	Edgerton			Big Spgs.	Globe	Edgerton	
Mid States	100-3000	\$9.50	\$9.50	\$9.50		3001-10000	\$9.50	\$9.50	\$9.50	

SURFACING MATERIAL - ROAD ROCK SPECIAL

SURFACING MATERIAL - ROAD ROCK SPECIAL

SURFACING MATERIAL - ROAD ROCK SPECIAL						SURFACING MATERIAL - ROAD ROCK SPECIAL				
VENDOR	QTY/TON	Quarry # 1 \$/Ton	Quarry # 2 \$/Ton	Quarry # 3 \$/Ton	Quarry # 4	QTY/TON	Quarry # 1 \$/Ton	Quarry # 2 \$/Ton	Quarry # 3 \$/Ton	Quarry # 4 \$/Ton
		Sunflower	Ottawa							
Hunt Martin	1000-3000	\$7.70	\$8.50			3001-8000				
		LeLoup					LeLoup			
Penny's Conc	1000-3000	\$7.35				3001-8000	\$7.25			
		Buchheim	Harrell	N. Law.	Eudora		Buchheim	Harrell	N. Law.	Eudora
Hamm	1000-3000	\$8.55	\$7.50	\$8.70	\$8.00	3001-8000	\$8.55	\$7.50	\$8.70	\$8.00
		Big Spgs.	Globe	Edgerton			Big Spgs.	Globe	Edgerton	
Mid States	1000-3000	\$9.50	\$9.50	\$9.50		3001-8000	\$9.50	\$9.50	\$9.50	

STONE FOR RIP RAP

VENDOR	QTY/TON	Quarry # 1 \$/Ton	Quarry # 2 \$/Ton	Quarry # 3 \$/Ton	Quarry # 4 \$/Ton
		Sunflower			
Hunt Martin	500-1500	\$16.50			
Penny's Conc	500-1500	No Bid			
				N. Law.	Eudora
Hamm	500-1500			\$17.50	\$20.50
		Big Spgs.	Globe	Edgerton	
Mid States	500-1500	\$20.00	\$20.00	\$20.00	

Keith A. Browning, P.E.
Director of Public Works

2/19/2013

Jamison Shew
Douglas County Clerk

MEMO

March 5, 2013

TO: Douglas County Board of County Commissioners
FROM: Jeannette M. Blackmar, on behalf of the Heritage Conservation Council
RE: **Approval to submit Heritage Preservation Fund (HPF) Grant to Support 2013
Historic Resources Survey of Wakarusa Township**

The Heritage Conservation Council seeks approval to submit an HPF grant application to the Kansas State Historical Society to support the 2013 Historic Resources Survey of Wakarusa Township. The HPF grant application guideline is attached and the grant proposal will be submitted to the Board of County Commissioners on March 13, 2013 for signature.

Conducting an annual heritage resources survey is one of the primary activities of the Heritage Conservation Council. One key reason the Heritage Conservation Council sought Certified Local Government (CLG) status is to leverage HPF funds from the Kansas State Historical Society.



Kansas Historical Society
Cultural Resources Division
6425 SW Sixth Avenue • Topeka, KS 66615-1099
Phone 785.272.8681 ext. 240
www.kshs.org • cultural_resources@kshs.org

FY2013 Historic Preservation Fund Grant Application

Please read the following information carefully before completing the Historic Preservation Fund application

The Historic Preservation Fund (HPF) is a grant program administered by the National Park Service (NPS). Funds for the HPF program are derived from Outer Continental Shelf mineral receipts. Each year the NPS provides the Kansas State Historic Preservation Office (SHPO) with funds that finance its operations, salaries and grants. Ten percent of those grant funds awarded to the SHPO must be passed through to Certified Local Governments (CLGs) per federal regulations. The SHPO awards additional grant monies to cities, counties, universities, and other eligible organizations, to help support local historic preservation activities when funding levels permit. Grants reimburse up to 60% of project costs.

HPF grants must result in a completed, tangible product and/or measurable result. All activities must pertain to the preservation programs outlined in the National Historic Preservation Act of 1966, as amended. They must be carried out in accordance with the Secretary of the Interior's *Standards for Archeology and Historic Preservation* and National Register Program Guidelines. All identification, evaluation, and treatment activities supported by HPF or matching funds must be conducted, or supervised, or reviewed by an appropriately qualified professional who meets the Secretary of the Interior's *Professional Qualification Standards* - http://www.nps.gov/history/local-law/arch_stnds_9.htm.

Eligible Activities

Eligible activities include, but are not limited to, **surveys** to locate a community's historic structures and archeological sites, **testing** to assess National Register of Historic Places eligibility of archeological sites, the preparation of **nominations** to the National Register of Historic Places, the development of **preservation plans** for properties or communities, historic preservation-related **educational activities**, historic preservation **disaster preparedness plans**, preservation-focused **conferences** and **training** opportunities, **preservation assistants**, and any other activities focused on the preservation of cultural resources in our state.

Consult the current HPF Products Manual for further descriptions of the most common activities undertaken with HPF grant funds. Contact the SHPO if you have questions about eligible activities.

Priorities

Each year the state posts a list of high-priority projects. Projects that address these priorities receive additional consideration in the evaluation process. The state priorities for FY2013 are as follows:

- Any project addressing goals and objectives found in the 2011-2016 Kansas Preservation Plan. See <http://www.kshs.org/p/kansas-preservation-plan/17132>.
- Surveys of residential neighborhoods, especially those developed in the mid-20th century.
- Updating information in older National Register nominations for existing historic districts.
- Surveys and National Register nominations of historic parks, designed landscapes, and rural sites.
- Projects to increase knowledge and awareness of historic resources associated with minority populations in Kansas.

- Planning for historic districts and historic resources including planning for response to disasters.
- Creation of maintenance plans for properties listed in the National Register of Historic Places.
- Updating information in older existing surveys.
- Creation of historic preservation educational curriculum for K-12 students.
- Educational workshops and seminars focusing on preservation-related topics.

A priority for Certified Local Governments (CLGs) specifically is the planning and implementation of regional or local workshops and seminars that promote the use of traditional craftsmanship to preserve and repair historic properties. CLGs are encouraged to apply for grant funding to send members of their planning and preservation commissions to historic preservation trainings and conferences in-state as well as other regional and national preservation conferences and preservation training opportunities.

For further information about conferences and training opportunities, please contact Grants Manager and CLG coordinator Katrina Ringler at 785-272-8681 ext. 215 or kringler@kshs.org

Preliminary and Final Applications

Applicants may submit preliminary applications for review by SHPO staff prior to the submission of the final application. Although preliminary applications are not required, they are highly encouraged. SHPO staff will review the applications for omissions or inconsistencies and return them, with comments, to the applicant for any necessary changes. **Preliminary** applications must be submitted to the SHPO by **February 15, 2013**. The **final deadline** for completed applications is **March 15, 2013**. Applications must be post marked on or by that date or hand-delivered by 4:30pm on that date.

For preliminary review, please submit only one set of the grant application. For the **final submission**, please **submit four (4) sets** of the completed grant application.

Evaluation

A committee of the Kansas Historic Sites Board of Review evaluates all final applications. This is the same governor-appointed board that evaluates properties proposed for nomination to the National Register of Historic Places. Each application is rated to determine if it has adequately addressed the questions outlined in the application instructions. The application is evaluated in the categories of **project rationale** and **objectives**, **project description** and **methods**, **organizational** and **professional ability** of the applicant, and **educational potential**. The committee will also evaluate the **overall** application as a whole.

The grant committee must feel confident that the project will meet the needs of preservation planning in Kansas, that the applicant has proposed a feasible plan to achieve those goals, that the applicant's organization has the personnel needed to implement the project, and that the project is likely to have a positive long-term impact on preservation, either on a state-wide or local level. The committee will also evaluate the budget to be certain it is both reasonable and sufficient for the work proposed. You are encouraged to be very clear in your answers to ensure that the committee will fully understand the nature of your proposed project.

A public hearing will be held on May 3, 2013 at 9am at the Kansas Historical Society prior to the grant committee making final recommendations to the overall Historic Sites Board of Review. Applicants will be given a brief opportunity to speak about their application and answer questions from the grant committee. This is not a time to clarify a poorly written application, but an opportunity to champion your proposal. Presentation time will be limited.

Each application is awarded scores within five categories. The maximum points that can be awarded to any one category are listed below.

- | | |
|---|----|
| 1. Applicant's status as a Certified Local Government | 10 |
| 2. Project Rationale and Objectives | 20 |
| 3. Project Description and Products | 25 |
| 4. Applicant Organization and Personnel | 20 |
| 5. Public Education and Impact | 15 |
| 6. Overall Application | 10 |

If you have questions concerning this application or the Historic Preservation Fund, please contact:

Katrina Ringler
SHPO Grants Manager
Kansas State Historical Society
6425 SW 6th Avenue
Topeka, Kansas 66615
785.272.8681, ext. 215
kringler@kshs.org

2013 Important Dates:

February 15, 2013

Preliminary Review: mail one copy of the application

March 15, 2013

Final Submission: mail 4 sets

Must be postmarked on or before that date or hand-delivered
by 4:30pm

May 3, 2013 - 9am

Public meeting at the Kansas Historical Society

May 4, 2013 - 9am

Announcement of grant awards at the Kansas Historic Sites

Board of Review meeting held at the Kansas Historical Society

Mail all applications to:

Kansas State Historical Society

Cultural Resources Division

Historic Preservation Fund Grant Application

6425 SW Sixth Avenue

Topeka KS 66615-1099



Kansas Historical Society
Cultural Resources Division
6425 SW Sixth Avenue • Topeka, KS 66615-1099
Phone 785.272.8681 ext. 240
www.kshs.org • cultural_resources@kshs.org

Instructions for the 2013 Historic Preservation Fund Application

Complete this application by filling in the following forms and attaching additional pages as necessary to submit all requested information. When answering the following questions on separate sheets of paper, please reference each answer with its corresponding number and subject heading. **Answer all questions in each category.** Enter “N/A” if a particular question is not relevant to your project.

Please keep in mind that the application will be the model upon which your project will be funded and will serve as the basis for your contract with the Kansas State Historic Preservation Office (SHPO) should your grant be awarded. Be as accurate as possible in the description of your project and budget. You may wish to read the evaluation criteria in the introduction to the application to guide you in preparation of this application. Please be certain to attach the grant cover sheet to the front of the application before submitting it to our office.

The assurances found at the end of this application must be signed and attached to the grant application for it to be accepted for consideration. All final applications for the 2013 Historic Preservation Fund must be complete and postmarked no later than March 15, 2013 or delivered in person to the SHPO by 4:30 p.m. on that date.

FY2013 Historic Preservation Fund Grant Application

COVER SHEET

1. Record information here about the applicant organization. The “Authorized Signatory” means someone that is authorized to sign applications and contracts for the applicant. For example, it is usually the mayor, city manager, or a county commissioner for local governments.
2. Record information here about the person who will serve as the grant administrator and to whom questions about the application should be directed. Make sure this person accepts this role.
3. Please record the number of the U.S. Congressional District(s) where the project will take place.
4. Applications from Certified Local Governments (CLGs) will be given priority consideration. A current list of CLGs in Kansas is available online at <http://www.kshs.org/p/kansas-clg-contacts/14605>.
5. Provide a name for the project that describes its goals or products. For example, “Survey of Cultural Resources in Downtown Anytown” or “Radiocarbon Dating of Materials from the Acme Site”.
6. Provide an estimated beginning and ending date for the project. All project work must be complete on or before September 30, 2014.
7. Indicate the type of project being proposed. See the current HPF Products Manual for further guidance.
8. Record the estimated project totals. Applicants should complete the project budget category described below before filling in this section of the cover sheet.

A. PROJECT RATIONALE AND OBJECTIVES

On separate pages, please write a narrative that describes the proposed project. The narrative is your opportunity to present the project to the grant evaluators. The narrative should address **why** the project is

needed. In particular, **describe** what questions or needs this project will address. **Do** the issues addressed by the project correspond to any priorities listed in the application introduction? You should also **explain why** grant support is required to address these needs. Please **cite** any research you may have conducted that laid the groundwork for this grant project (i.e. survey prior to a historic district nomination). **Would** partial funding allow you to meet some of the project goals? **Explain** why or why not.

B. PROJECT DESCRIPTION AND PRODUCTS

1. All grants must produce a “product” or tangible result in order to qualify for funding. Please write a narrative description of the **project products**. In particular you should mention the number of products that may result from this project. Consult the HPF Products Manual for examples of specific products such as nominations, survey reports, brochures, etc. All grant-funded projects are required to include as one of their products an article summarizing the project for possible inclusion in the *Kansas Preservation* newsletter. Be specific regarding the content and format of the products. The answer to this question should explain how the completion of these products will address the issues you have identified in your PROJECT RATIONALE AND OBJECTIVES.
2. Please describe how you will **implement the project**. For example, will you hire a consultant or utilize staff and volunteer labor? Be certain to describe major components or phases of the project and the estimated dates when each will be accomplished. The answer to this question will, to a large degree, determine the evaluators' expectations in regard to the time line of the project and will provide the milestones by which it will be evaluated should your application be funded. Remember to allow 30 days for SHPO staff to review all drafts, final products, consultant contracts, request for proposals (RFP), etc. *Final products should be submitted to the SHPO on or before August 31, 2014 to allow time for review. All work on the project must be complete on or before September 30, 2014.*
3. Please explain the geographic boundaries of this project. For example, projects involving survey of cultural resources should include a **map** that identifies the project boundaries and indicates the approximate number of resources expected to be inventoried.
4. **For projects involving survey of cultural resources only**, please estimate the number of **acres** within the project boundaries?
5. When appropriate, include **one CD** with approximately 10-15 digital images illustrating the area(s) or resources affected by this project.

C. APPLICANT ORGANIZATION AND PERSONNEL

1. Briefly describe the **applicant organization** (i.e. city government, non-profit, university, etc.). Please include information concerning organizational structure, personnel, facilities, and past involvement in preservation-related issues or grant-funded activities. Please be clear as to who will be responsible for the project on a daily basis. This person should also be listed as the Contact for the project on the application’s first page.
2. Please provide **resumes** that indicate the relevant education and experience of the project team. If the project is to be staffed by **consultants** hired from outside the applicant organization, describe the planned hiring process and the qualifications you will be seeking.

3. Please list the qualifications of any **additional resource persons** not employed by the agency or on the project team who might provide information or guidance for the project activities and development.
4. Has the applicant **previously received an HPF grant** from the Kansas SHPO? If so, please describe the grant(s), including the project year and products produced. Administration of past grant projects may be taken into consideration by the grant review committee as they evaluate your application.
5. Has the applicant sought any **other funding sources** for this project? If so, please describe the funding source, whether or not you have already applied for it, and whether or not you were successful in receiving that funding.

D. PUBLIC EDUCATION AND IMPACT

Applicants who plan to actively inform or educate the public during the course of the grant project will achieve higher rankings. Please **describe how the project will educate the public** about methods and issues related to historic preservation. **How** will the results of this project be distributed to the public? **What** audience or sector of the public is most likely to be reached by this effort? If materials are to be produced, **describe** their intended content and their value to the targeted audience. This includes project products intended for use by professionals or government officials. **Include** a description of any activities, promotional plans, or contacts that will be undertaken to disseminate project results.

E. PROJECT BUDGET

NOTE: There are two parts to the Project Budget Section. These include, 1) the Budget Chart and, 2) the Budget Narrative. Be sure to complete both parts. A sample budget chart and description can be found at the end of this application.

1. Budget Chart

Please provide a detailed project budget utilizing the attached chart. List each project item or service line-by-line. The budget chart should be filled out in the following manner:

- **Column #1, "Recipient Match,"** should be used to show the means by which the project match will be incurred. If the applicant is to pay for the service or goods directly with cash, the estimated cost should be entered in the "Cash" column (1a). Time invested by paid staff should be included in this category. If the budget item is to be provided with volunteer time or donated goods, the value should be listed as in-kind expenses (1b). Match should equal a minimum of 40% of the project total. Overmatch is okay.
- **Column #2, "Indirect Expenses," is to be used only by organizations holding a current Indirect Cost Agreement with a federal agency.** The applicant must attach a copy of the agreement to the grant application. If indirect expenses are claimed, the applicant must indicate the maximum percentage allowed by the Indirect Cost Agreement and the percentage that is being claimed for purposes of this grant. A maximum of ten percent (10%) of the funds claimed for salaries of project personnel may be charged as indirect costs for purposes of HPF grants.
- **Column #3, "Federal Share",** is used to indicate the costs that will be reimbursed by funds provided by the HPF grant. A maximum of sixty percent (60%) of total project costs can be reimbursed with grant funds. Please indicate actual dollar amounts rather than percentages of total costs in this column.
- **Column #4, "Total",** should be used to record the estimated total cost of each line item.

2. Budget Narrative

On a separate page(s) please write a **budget narrative** that justifies each of the expenses noted in the budget chart. The budget chart supplied with this application only provides figures and a very brief label for each line item expense. Without an itemized budget narrative, the evaluators will not be able to determine whether the amounts are accurate or answer questions concerning the allocation of project resources. For this reason we ask you to be thorough in your budget narrative. **At the end of the budget narrative, please describe the accounting system that will be used for the project.**

The following sections have been written to assist you in the preparation of the budget narrative:

SALARIES

- a. Please provide the basis for establishing the figures listed. As an example, staff is usually paid on an hourly basis. Indicate that hourly rate and the amount of time staff is expected to spend on this project. Total up the hourly rate and the estimated time to explain the total shown in the budget chart.

- b. The figures entered on the budget chart should reflect the proportion of the individual's time that will be invested in the project. For instance, if the project administrator is expected to invest ten percent of his time toward the project, his monthly salary should be stated, multiplied by the number of months of the duration of the project, and then divided by ten. Additional costs such as fringe benefits and unemployment insurance should not be broken out as separate items, but should be included in the overall hourly or monthly rate.

- c. Time donated by volunteers for in-kind matching funds must be calculated on an hourly basis equal to the current federal minimum wage. Professionals who are donating their time may match their standard fee as an in-kind expense only if their volunteer activities correspond with the duties they perform professionally and when those duties are essential to the completion of the project. Please contact our office if you are in doubt as to whether the rates quoted for donated services are acceptable for the application.

MILEAGE

Travel incurred for the performance of project-related activities may be charged to the grant at a rate determined by your city/organization but not to exceed the (estimated) federal rate of 55.5 cents per mile. Travel must take place within the grant period. The grant period begins when the applicant signs a project agreement and ends upon submission of a completion report.

EXPENDABLE SUPPLIES

This category would include consumable items purchased for short-term use. The applicant does not need to include a detailed itemization for minimal costs.

COMMUNICATION

This category should be used to describe the estimated cost of all long-distance calls and postage. This would include postage needed to distribute publicity mailings. The full cost of a telephone line should not be included unless the line is used only for project activities. Costs should be prorated to reflect the percentage of time used for grant-related activities.

OFFICE RENT

In this category give the rental value of the office space used for the administration of the project. If you are not sure of its value, use similar locally available office space as a guide. The prevailing rental value of the property will need to be verified through an independent source, such as a real estate agent before it can be claimed as match for reimbursement. When office costs are included for personnel not employed full-time on

the project, the amount should be adjusted in accordance with the percentage of time invested in project activities.

PRINTING AND ADVERTISING

This would include printing of reports, photographs, and promotional items. The cost of newspaper advertisements or media time may be entered under this category as well. If media space is donated it may be listed as an in-kind expense. Include photocopies.

UTILITIES

Utility costs incurred for the office space of the project personnel may be included here. When utility costs are included for personnel not employed full-time on project activities, the rates should be prorated as with office space.

EQUIPMENT RENTAL

Grant funds may not be used to purchase any equipment that will remain with the grant recipient after the completion of the project. The use of equipment may be counted as an in-kind contribution by placing a fair market value on such use. Please identify the equipment to be used and the estimated cost of it use.

EQUIPMENT MAINTENANCE

This category may be used to document expenses for the upkeep of any equipment directly used in the project. The purpose of this category is to cover the wear and tear that such use might place on equipment owned by or donated to the applicant (i.e. printers and copiers).

INSURANCE AND BONDING

Please list relevant costs for bonding or additional expenses for insurance brought about by the acceptance of the grant award. An example of this would be increased liability insurance necessitated by the hiring of additional personnel for project-related activities.

OTHER

This category should be used for any additional grant-related expenses. If you are uncertain as to whether an expense is eligible under this program, **please** verify it with the SHPO prior to submission of the grant application.

Caution: Please consider your ability to obtain adequate documentation for each item claimed. Reimbursement for expenses cannot be processed without adequate documentation (i.e. receipts, invoices, vouchers, time-sheets, etc.).



FY2013 Historic Preservation Fund Grant Application

Use this form as your application cover sheet.

1. Applicant (Subgrantee): _____

Authorized Signatory (type or print) _____

Authorized Signatory (signature): _____

Mailing Address: _____

2. Contact Person _____

Mailing Address: _____

Telephone Number: _____

E-mail: _____

3. U.S. Congressional District Number _____

4. Is this application being submitted by a Certified Local Government (CLG) ? Yes _ No _____

5. Project Title: _____

6. Project Beginning Date: _____ Project Ending Date: _____

7. Project Type:

<input type="checkbox"/>	Survey and Inventory	<input type="checkbox"/>	Preservation Assistant
<input type="checkbox"/>	National Register nomination	<input type="checkbox"/>	Educational Activity
<input type="checkbox"/>	Preservation Plan or Ordinance	<input type="checkbox"/>	Other
<input type="checkbox"/>	Design Review Guidelines	<input type="checkbox"/>	

8. Estimated Project Costs:

Total Project Cost	
Federal Share (60%)	
Total Match (40%)	
Cash Match	\$ _____
In-Kind Match	\$ _____

E. Project Budget Chart

BUDGET ITEMS	1. RECIPIENT MATCH		2. INDIRECT EXPENSES	3. FEDERAL SHARE	4. TOTAL
	a) CASH	b) IN-KIND	Indirect Cost Agreement Required		
1. SALARIES (list each separately)					
Administrator					
Surveyor					
Secretary					
Volunteer(s)					
Bookkeeper					
Others					
Consultant					
2. Mileage					
3. Expendable Supplies					
4. Communication					
5. Office Rent					
6. Printing and Advertising					
7. Utilities					
8. Equipment Rent					
9. Equipment Maintenance					
10. Insurance and Bonding					
11. Other					
TOTAL					

*Totals on this page should match totals on cover sheet of application.

1a+1b+2=40% 3=60% 4=100%

ASSURANCES

Applicants must agree to the following assurances for their applications to be considered for funding. Applicants hereby agree and acknowledge that:

- (1) if they are awarded funds, they will conduct their operations in accordance with Title VI and VII of the Civil Rights Act of 1964, as amended, the Rehabilitation Act of 1973, as amended, the Kansas Act Against Discrimination, and the Americans With Disabilities Act of 1990 which bar discrimination against any employee, applicant for employment, or any person participating in any sponsored program on the basis of race, creed, color, national origin, religion, sex, age, or physical or mental disability, and require compensation for employment at no less than minimum wage requirements, and will provide safe and sanitary working conditions;
- (2) all consultants and contractors hired to implement the project activities must be hired through competitive procurement procedures as outlined in the 2013 HPF Grant Guide;
- (3) they will perform no work for which reimbursement will be requested until (a) they have been notified that their application was approved; (b) a project agreement has been signed by the applicant and the State Historic Preservation Officer; and (c) they have been notified in writing that the work may begin;
- (4) they have sufficient funds to match the Historic Preservation Fund grant and will pay for materials and services pending reimbursement by the Kansas State Historical Society;
- (5) they will carry out the project in accordance with the relevant standards and guidelines developed by the Secretary of the Interior for Preservation Planning, Identification, Evaluation, and Registration;
- (6) they will follow the guidelines established by the Kansas Historic Preservation Office and the U.S. Department of the Interior for the Historic Preservation Fund grant-in-aid;
- (7) they will notify the Kansas Historic Preservation Office of any changes in the source or sources of the match, the project conditions, project scope of work, personnel changes, or of any other factors that might affect the progress, completion or outcome of the project;
- (8) the filing of this application has been approved by the legally authorized governing body of the applicant, if applicable;
- (9) the facts, figures, and information contained in this application, including all attachments, are true and correct. The submission of fraudulent information is grounds for the cancellation of a Historic Preservation Fund grant; and
- (10) all components of the grant application, including mandatory attachments are included and no additional or missing materials will be submitted after the stated application deadline.

Date

Signature of Authorized Signatory

Typed Name and Title of Signatory

U.S. DEPARTMENT OF THE INTERIOR
ASSURANCE OF COMPLIANCE
(Title VI, Civil Rights Act of 1964)

_____ (hereinafter called Applicant-Recipient)

HEREBY AGREES THAT IT will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the Department of the Interior Regulation (43 CFR 17) issued pursuant to that title, to the end that, in accordance with Title VI of that Act and the Regulation, no person in the United States shall, on the grounds of race, color, national origin, age, or handicap be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant-Recipient receives financial assistance from the National Park Service and,

HEREBY GIVES ASSURANCE THAT IT will immediately take any measures to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid Federal financial assistance extended to the Applicant-Recipient by the National Park Service, this assurance obligates the Applicant-Recipient, or in the case of any transfer of such property, any transferee for the period during which the real property or structure is used for a purpose involving the provision of similar services or benefits. If any personal property is so provided, the assurance obligates the Applicant-Recipient for the period during which it retains ownership or possession of the property. In all other cases, this assurance obligates the Applicant-Recipient for the period during which the Federal financial assistance is extended to it by the National Park Service.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property discounts or other Federal financial assistance extended after the date hereof to the Applicant-Recipient by the bureau or office, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date. The Applicant-Recipient recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall reserve the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant-Recipient, its successors, transferees, and assignees, and the person or persons whose signature appear below are authorized to sign this assurance on behalf of the Applicant-Recipient.

Date

Applicant-Recipient

by _____
(President, Chairman of Board, Mayor, or comparable authorized official)

Applicant-Recipient's Mailing Address

DI-1350

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

Standard Form 424B (Rev. 7-97) Back

Please Use this Format for HPF Grant Applications

- HISTORIC PRESERVATION FUND GRANT APPLICATION** (Cover sheet - packet page 9)

- A. PROJECT RATIONALE AND OBJECTIVES**

- B. PROJECT DESCRIPTION AND PRODUCTS** (See hints and tips on page 16)
 1. Describe project products
 2. Implementation, Timeline
 3. Map of project area
 4. Acreage of project area
 5. Photographs if applicable

- C. APPLICANT ORGANIZATION AND PERSONNEL**
 1. Describe organization, project administrator
 2. Resumes, experience of team, hiring process
 3. Qualifications of additional resource
 4. Previous grants?
 5. Other funding sources sought

- D. PUBLIC EDUCATION AND IMPACT**

- E. PROJECT BUDGET CHART** (Page 10 of application)

- E. PROJECT BUDGET NARRATIVE**

- ASSURANCES**

- US Department of Interior CIVIL RIGHTS ASSURANCE DI-1350**

- ASSURANCES – NON-CONSTRUCTION PROGRAMS (STANDARD FORM 424B)**

Send complete applications to:

Kansas Historical Society

Historic Preservation Fund Grant Application

6425 SW Sixth Avenue • Topeka KS 66615-1099

2013 Application Deadline:
March 15, 2013

Postmarked or delivered to
SHPO by 4:30 pm

Hints and Tips for Various HPF-Funded Products and Activities

For **survey and inventory** projects, does your application:

- identify the area to be surveyed and estimate the number of properties to be included?
- include a map of the proposed survey area?
- provide the estimated number of acres within the survey area?
- describe a process to notify and work with owners of properties within the area to be surveyed?
- describe a process to notify and work with interested and concerned groups who have an association with the properties to be surveyed?
- include a research design if the project is for archaeological survey?
- acknowledge any previous surveys or historical studies of the area?
- indicate that the survey information will be uploaded to the Kansas Historic Resources Inventory (KHRI)?

For **National Register nomination** projects, does your application:

- acknowledge that the property has previously been determined eligible for National Register listing by the SHPO through a PSIQ or survey?
- describe how the property owner(s) were asked to consent to the nomination? Do the property owners consent to the nomination? Provide verification of that consent.

For **planning** projects, does your application:

- include public involvement in the process? Does the proposal show that diverse groups in the community will be invited to participate?
- focus on historic preservation?
- describe how the plan will be utilized?

For **design review guidelines** projects, does your application:

- describe how the guidelines will be used by the community/ property?
- identify the intended primary audience for or users of the guidelines?
- acknowledge that the guidelines produced will meet the Secretary of the Interior's *Standards for the Treatment of Historic Properties*?

For **preservation assistant** projects, does your application:

- address why an assistant is needed?
- acknowledge that future funding for the assistant is not guaranteed through HPF?
- describe the tasks that the assistant will be asked to complete?
- describe the products that the assistant will produce?

For **preservation education** projects, does your application:

- have a historic preservation focus?
- clearly identify the audience(s) and/or participants?
- establish a proposed date for the educational activity?

SAMPLE - Project Budget Chart

(DO NOT include this page with your final application.)

BUDGET ITEMS	1. RECIPIENT MATCH		2. INDIRECT EXPENSES	3. FEDERAL SHARE	4. TOTAL
	a) CASH	b) IN-KIND	Indirect Cost Agreement Required		
1. SALARIES (list each separately)					
Administrator	6,140.00				6,140.00
Surveyor					
Secretary	1,324.00				1,324.00
Volunteer(s)		2,320.00			2,320.00
Bookkeeper	395.00				395.00
Others					
Consultant	1,500.00			18,500.00	20,000.00
2. Mileage					
3. Expendable Supplies					
4. Communication	147.00				
5. Office Rent					
6. Printing and Advertising	575.00				575.00
7. Utilities					
8. Equipment Rent					
9. Equipment Maintenance					
10. Insurance and Bonding					
11. Other					
TOTAL	10,081.00	2,320.00		18,500	30,901.00

SAMPLE - Budget Narrative
(DO NOT include this page with your final application.)

1. Salaries

- Grant Administrator will be senior city planner, Jane Doe.
 - 275 hours x \$22.33 per hour = approximately \$6,140.00
- Department Secretary will assist with mailings and public meetings.
 - 80 hours x \$16.55 per hour = \$1,324.00
- City Preservation Commission will advise on hiring of consultant and will assist with public meetings.
 - 8 commission members x \$7.25 per hour x 40 hours = \$2,320
- City Accounting staff will oversee payments to consultant and reimbursements
 - 20 hours x \$19.75 per hour = \$395.00
- A consultant will be hired to produce the survey. It is estimated that the total cost for consultant services will be \$20,000. The City has dedicated \$1,500 in cash toward that cost.

4. Communication

- Notifications will be mailed to property owners in the survey area.
 - 2 mailings x 150 property owners x \$0.49 = \$147.00

6. Printing & Advertising

- Flyers will be printed up to be mailed to all property owners giving notice of public meetings.
 - 2 flyers x 150 property owners x \$0.25 per copy = \$75.00
- Public meetings will be publicized via local media outlets (i.e. newspapers, websites, etc.)
 - Estimated costs for publications = \$500.00

*Accounting system used by the City is its standard accounting and auditing practices. Annual audits meet the OMB Circular A-128 audit guidelines. Two copies of the audit will be submitted to the SHPO upon request.

.....

In this example, the applicant has provided match above and beyond the minimum 40% required. Overmatch is not necessary, but is always appreciated.

Keep in mind that match expenses must be directly related to the HPF-funded project. Food and beverage costs are not eligible costs for federal funding or match under the HPF program.

Be sure that you will be able to document costs and verify payments through invoices, receipts, time sheets, payroll statements, etc. for both HPF-reimbursed expenses as well as cash and in-kind match.

Please contact Katrina Ringler, Grants Manager, at 785-272-8681 ext. 215 or kringler@kshs.org with any questions about eligible costs and match.



DOUGLAS COUNTY ZONING & CODES DEPARTMENT
MEMORANDUM

TO: Board of County Commissioners
SUBJECT: Rezoning Resolution for Sadies Lake Addition
DATE: March 13, 2013

BACKGROUND:

In May 2011, the Lawrence-Douglas County Planning Commission held a hearing on the application for rezoning property known as Sadies Lake from A (Agricultural) to R-T (Rural Tourism). The Planning Commission forwarded a recommendation (8-1 vote), with conditions for approval, to the Board of County Commissioners on August 3rd, 2011. At the County Commission meeting on August 3rd, the rezoning application was approved subject to the conditions recommended by the Planning Commission. The rezoning resolution was requested to be deferred by the applicant (March 2012) until a Homestead Exemption Survey could be recorded. The Homestead Exemption Survey was recorded in April 2012. The division of property with the Homestead Exemption Survey changed the legal description of the property to be rezoned, therefore staff waited until the Sadies Lake Addition plat was approved and recorded at the Register of Deeds, providing an accurate legal description, to draft the rezoning resolution.

The Planning Commission approved the preliminary plat for Sadies Lake Addition in November 2012 and the final plat was administratively approved in December 2012. The final plat was recorded at the Register of Deeds on February 14th, 2013. [Minutes of these meetings are provided as attachments.]

STAFF SUMMARY:

This is the first application for R-T, (Rural-Tourism) Zoning. The purpose of the R-T District is to allow for uses that are, *"...designed to provide a suitable zoning exclusively for uses associated with Rural-Tourism, such as recreation and conference uses. These uses are typically more intense and larger in scale than similar uses that may be permitted by right or with a Conditional Use Permit in the Agricultural Zoning District."*

A site plan is required before the private recreation use can be fully implemented.

RECOMMENDED ACTION:

Approval of the Rezoning Resolution for Sadies Lake Addition, a 205+/- acre private recreation area located in section 12-14-19, on the east side of E 1300 Road.

PC Minutes 5/23/11

ITEM NO. 5 A TO R-T; 209 ACRES; 778 E 1300 RD (MKM)

Z-3-9-11: Consider a request to rezone approximately 209 acres from A (Agricultural) to R-T (Rural Tourism), located at 778 E 1300 Rd. Submitted by Grob Engineering Services, for Sadies Lake LC, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Commissioner Finkeldei asked if the Site Plan would be approved by County Commission.

Ms. Miller said that was correct.

Commissioner Harris asked how large the conference center could be.

Ms. Miller said for the Woods project a 55,000 square foot conference center was approved so this conference center could be larger which could be something the County Commission would look at. She said the type of road was different and that the 55,000 square foot conference center was appropriate for the Woods since it was on N. 1800 Road but this project was on a township road so it probably would not be as large.

Commissioner Harris asked if that would be up to the County Commission to decide.

Ms. Miller said that was correct, as well as the township and county engineer providing their input on how much traffic that road could handle.

APPLICANT PRESENTATION

Mr. Dean Grob, Grob Engineering Services, said the reduced buffer did not lend itself well to the conference center or other larger buildings because of its total size. He said regarding the hunting aspect of the property the owners wanted to maintain any hunting rights they currently have. He said commercial hunting and guided tour hunting would not be a permitted uses in the R-T zoning and would have to be a Conditional Use Permit. He stated the owners were hunters and may have guests hunt with them but they had no desire to pursue a Conditional Use Permit. He did not believe hunting would increase with more cabins, but instead decrease due to safety reasons. He said west of the property was a minimum maintenance road that the owners had no desire to extend. He said the existing FEMA floodplain cuts off that end of the property so there was nothing to be gained by extending the road to the south.

Commissioner Hird inquired about the cost for road improvements.

Mr. Grob said presently it was a minimum maintenance road but basically there was no road there.

Commissioner Hird asked where the minimum maintenance part of it located.

Mr. Grob pointed on the overhead to where it was located. He said there was a piece of right-of-way that was vacated to the south.

Commissioner Harris asked for clarification about the hunting. She asked if the proposed zoning did not allow hunting.

Mr. Grob said commercial hunting and guided hunting tours would not be permitted in R-T zoning, but the owner would still retain property owner hunting rights.

Commissioner Harris said she did not understand how that would work.

Mr. McCullough said staff could not give a definitive answer because there may be some differences in terms of a single user. He said the gray area was if there could be exempt agricultural based hunting and a commercial property with cabins.

Commissioner Harris said she wanted to be sure the applicant knew the restrictions on the uses. She also asked if it was possible to build some of the cabins closer to the floodplain line than what was requested.

Mr. Grob said it was a matter of trying to fit everything within the layout of the land. He was okay with a condition that stated within the reduction could only be cabins versus anything else. He said it was possible to squeeze a cabin between the 200' buffer and the floodplain. He said there was only one actual residence/house across from the property.

Commissioner Finkeldei inquired about the setback requirement from the buffer line.

Mr. Grob said he wanted a little wiggle room to figure it out.

PUBLIC HEARING

Mr. Robert Eye, attorney representing Mr. Newton McCluggage, said some of the comments heard tonight clarified some things and raised additional concerns. He stated if there were 13 cabins on the property there would be the opportunity for 13 hunting parties and that nothing in the plan would limit it. He said there was no limitation on the use or patron use of the property for hunting. He expressed concern for the potential of a 55,000' conference center. He said a conference center was contrary to rural character according to Horizon 2020. He was concerned that this was a sensitive area with slopes and that additional development might cause additional erosion or change drainage patterns. He also expressed concern regarding traffic. He said a 55,000' conference center would have the potential for many more cars. He felt that access to water should be available before the plan went forward and that if water was not available the rezoning would be a mute point.

Commissioner Hird said regarding Mr. Eye's argument about hunting parties, the way it was zoned now (agricultural) there could be 100 hunting parties. He asked where the number for 13 hunting parties came from.

Mr. Eye said the number came from 13 cabins.

Commissioner Hird asked if he was suggesting that there would be 13 hunting parties on 209 acres.

Mr. Eye said the way the applicant structured the rezoning request there would be nothing to prohibit that. He said it would clearly not be a safe thing to do.

Commissioner Hird said the only thing preventing that would be common sense.

Mr. Eye said that was correct.

Mr. Bill Mitchell, neighbor to the east across the minimum maintenance road, said he was relieved to hear he would not be required to co-share on the upgrading of the road. He hoped they would

disallow the requested variance of 150' and require the statutory 200'. He disagreed with Mr. Grob's comment about the number of houses across 1300 Road. He said there were four houses across the road. He said the justification for this was to make room to build cabins and the real justification for narrowing the buffer was that there were existing trees and elevation drop. He felt the minimum 200' should be preserved. He stated the conceptual Site Plan may morph into something else. He felt it was only fair that neighbors be given notification of all future Site Plans and changes of use. He said if the rezoning was approved he would like to see some limitations placed on the hunting, such as bow hunting for deer or small caliber shotguns for birds. He stated Rural Tourism zoning was new and unknown making the neighbors the guinea pig.

APPLICANT CLOSING COMMENTS

Mr. Grob said Mr. Mitchell was correct, there were four residences on the west side of the property. He said the one residence he spoke of earlier was the one in the setback reduction.

Commissioner Harris said she was leaning toward deferral to clear up issues on hunting and water. She asked if the applicant would be okay with that.

Mr. Grob said that would be fine if the Commission desired to do so. He said he spoke with the Rural Water District and meters were available. He said it was more of a matter of improvements may need to be made to the infrastructure. He said the property owner could currently hunt and they wanted to maintain that right.

COMMISSION DISCUSSION

Commissioner Finkeldei asked staff about Mr. Mitchell's request for notification.

Ms. Miller said county Site Plans do not receive notification.

Mr. McCullough said it could be added as a condition to the rezoning.

Commissioner Finkeldei said the request regarding reduction of the buffer zone was to allow flexibility for the cabin sites during the rezoning stage. He said during the Site Plan stage they would know exactly where the cabins would be at and someone could object at that time and ask the County Commission to move it.

Ms. Miller said she believed they could, yes.

Commissioner Hird said if deferring this was the wise choice then he was fine with that. He was concerned about the notice requirement and said if this was deferred he hoped there would be notice. He said he was not nearly concerned about the hunting issue as others may be. He said with his personal experiences of hunting, two hunting parties with rifles on 209 acres, would be a problem. He said three hunting parties shooting shotguns at quail would be no problem. He said a 22 caliber rifle bullet would travel 2 miles so using a small caliber was not the answer, he said it was common sense. He said he did not want to see any commercial hunting but that it was not being requested by the applicant. He felt it was a slippery slope of restricting land owners right to hunt their own land.

Commissioner Rasmussen said he would rather deal with this tonight than delay it. He did not see a problem with including a requirement that notification be provided to the property owners along that road.

Commissioner Singleton agreed with Commissioner Rasmussen. She said the hunting issue could be researched and investigated and presented to the County Commissioners. She said Commissioner Hird was correct, hunting parties have to self regulate with noise, space, and the number of people. She would like to see this plan go on with a requirement for Site Plan notification to the neighbors in the immediate area when it goes to County Commission.

ACTION TAKEN

Motioned by Commissioner Singleton, seconded by Commissioner Finkeldei, to approve the rezoning request for approximately 209 acres from A (Agricultural) District to R-T (Rural Tourism), with a reduced buffer width of 150 ft along the west property line and forwarding it to the Board of County Commissioners with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following conditions:

1. The rezoning will not be placed on the Board of County Commission's agenda for consideration until the Rural Water District has determined adequate water capacity is, or can be made, available to serve the facility.
2. Property owners on the portion of E 1300 Road which is used to access the subject property from Hwy 59 shall be notified when a site plan has been submitted for the rural tourism use.

Commissioner Finkeldei asked staff about a condition regarding notification.

Mr. McCullough said he would consult with the County Attorney, Evan Ice, about notification. He said that type of condition could create procedural issues in the future if staff does not pick up on the condition.

Commissioner Finkeldei said regarding the hunting issue, if for some reason it was discovered that hunting would not be allowed at all, the applicant may have to make a decision about proceeding with the rezoning. He said he was voting in favor with the assumption that hunting would still be allowed for the owners and their guests, but not for commercial hunting.

Commissioner Hird inquired about the issue of the gravel road accessing this site.

Mr. McCullough said the County Engineer reviewed the traffic study and would be reviewed upon Site Plan submittal.

Ms. Miller said the Township did not have objections to the number of traffic that would be traveling. She said when a Site Plan was submitted with the exact number of cabins and square footage of the lodge that was when it would be decided if any upgrades would be needed to the road.

Commissioner Hird asked with Rural Water District.

Ms. Miller said Rural Water District 2.

Commissioner Hird said he currently served on the Rural Water District 2 board and that they meet Thursday.

Commissioner Finkeldei said in theory it was possible to have a 55,000 square foot building but that the County Commission would not approve something that large.

Commissioner Harris said she would vote against the motion and would prefer to see cabins built as close as possible to the buffer boundary indicated in the Code.

Motion carried 8-1, with Commissioner Harris voting in opposition.

PC Minutes 11/14/11

ITEM NO. 1 PRELIMINARY PLAT; SADIES LAKE ADDITION; 778 E 1300 RD (MKM)

PP-8-8-11: Consider a one lot Preliminary Plat for Sadies Lake Addition, approximately 207 acres, located at 778 East 1300 Road. Submitted by Grob Engineering for Sadies Lake LC, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Dean Grob, Grob Engineering, was present for questioning.

ACTION TAKEN

Motioned by Commissioner Singleton, seconded by Commissioner Blaser, to approve the Preliminary Plat of the Sadies Lake Addition and forwarding it to the Board of County Commissioners for consideration of dedication of easements and rights-of-way subject to the following conditions of approval:

1. The plat shall be revised with the following changes:
 - a. General Note 6 shall be revised to reference the amended Subdivision Section **20-810(i)(4)** and to remove the language regarding the Temporary Set Aside Agreement provisions as the agreement has not yet been executed.
 - b. Revise the site summary to note the gross area of the plat as 205.837 acres.

Commissioner Hird asked what a dry hydrant was.

Ms. Miller said it was connected to a pond and only utilize when needed. She said it was not hooked on to a waterline.

Unanimously approved 8-0. Student Davis voting in the affirmative.

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS CHANGING THE ZONING CLASSIFICATION FOR A TRACT OF LAND KNOWN AS "SADIES LAKE ADDITION" LOCATED IN THE UNINCORPORATED TERRITORY OF DOUGLAS COUNTY, KANSAS FROM "A" (AGRICULTURAL) TO "R-T" RURAL-TOURISM BUSINESS DISTRICT.

WHEREAS, the Lawrence-Douglas County Planning Commission, after holding a public hearing on May 25, 2011 following due and lawful notice pursuant to K.S.A. 12-757 and the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas*, as codified in Chapter 11, Article 3 of the Douglas County Code and as amended (the "Zoning Regulations"), has recommended that the Board of County Commissioners of Douglas County, Kansas (the "Board") change the zoning classification for a certain tract of land located in the unincorporated territory of Douglas County, Kansas, the nature and description of such change being fully set forth below; and

WHEREAS, on August 3, 2011 the Board found that the Zoning Regulations should be amended by changing the zoning classification set forth below; and

WHEREAS, as required by the Board owner has filed and received approval for a final plat of the subject tract of land and the plat has been recorded with the Douglas County Register of Deeds.

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

1. Change in Zoning Classification. Pursuant to the Zoning Regulations, the zoning classification for the following legally described tract of land is hereby changed from "A" (Agricultural) District to "R-T" (Rural Tourism) District, as such districts are defined in the Zoning Regulations:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 14 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS, NOW DESCRIBED AS FOLLOWS:

THE ABOVE CONTAINS 206.267 ACRES, MORE OR LESS, ALL IN DOUGLAS COUNTY, KANSAS.

SADIES LAKE ADDITION
LOT 1, BLOCK ONE

2. Conditions. The rezoning granted in Section 1 of this Resolution is hereby made contingent upon the performance and observance of the following regulations, stipulations, and conditions and use restrictions:

- Reduced buffer width of 150 feet along the west property line.
- Notice will be given to all adjacent property owners within 1000 feet of any site plan submittal or any development activity considered by the County Commission.

3. Addition to Zoning Regulations. The Official Zoning District Map, incorporated by reference in and by the Zoning Regulations, is hereby amended by showing and reflecting thereon the new zoning classification set forth in Section 1 of this Resolution.

4. Invalidity. If any section, clause, sentence, or phrase of 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 Resolution.

5. Repeal. The Zoning Regulations heretofore adopted that are in conflict with the Text Amendments are amended, repealed or replaced, as the case may be, to be consistent with the Text Amendments adopted hereby.

6. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Board and its publication once in the official County newspaper.

ADOPTED this _____ day of _____, 2013.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

Mike Gaughan, Chairman

ATTEST:

Nancy Thellman, Member

Jameson D. Shew, County Clerk

Jim Flory, Member



DOUGLAS COUNTY ZONING & CODES DEPARTMENT
MEMORANDUM

TO: Board of County Commissioners
SUBJECT: Amendments to Chapter 13, Construction Codes, pertaining to unsafe buildings and right of entry and inspection
DATE: March 13, 2013
FROM: Linda M. Finger, Interim Director Zoning & Codes

In January 2013, there was an unfortunate instance that resulted in emergency and sheriff's office personnel responding to a child's death in a home on E 2300 Road. As a result of the entry by sheriff's officers into the home, the Zoning & Codes Department was made aware of potentially serious building code deficiencies in the home. Upon a follow up visit & inspection by a Codes Inspector, the home was found to be in a seriously dangerous and unsafe state. Through the voluntary cooperation of the owners/occupants with county staff, the structure was vacated until building deficiencies could be made to address minimum safe building requirements. During this process, staff worked with the County Counselor's office to understand better what sections of the Construction Code provided clear guidance on the authority to intervene in similar unsafe building situations to cite individuals for unsafe buildings and, if necessary, to post buildings as uninhabitable. It was following this review process and discussions with Lawrence's building inspectors and city attorneys that the amendments to the County's Construction Code were considered and subsequently drafted.

The draft Home Rule Resolution amending the Construction Code was prepared by Evan Ice and reviewed by Zoning & Codes Staff. We bring forward to you for adoption amendments that clarify regulations regarding unsafe buildings, and right of entry to facilitate enforcement of the Construction Codes.

STAFF RECOMMENDATION:

Adoption of the amendments proposed in the draft Home Rule Resolution to Chapter 13, Construction Codes.

HOME RULE RESOLUTION NO. HR-13-_____

A HOME RULE RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS AMENDING THE CONSTRUCTION CODES OF DOUGLAS COUNTY, KANSAS, SEPTEMBER 19, 2012 EDITION, AS CODIFIED AT CHAPTER 13 OF THE DOUGLAS COUNTY CODE.

WHEREAS, K.S.A. 19-101a, and amendments thereto, authorizes the Board of County Commissioners (hereinafter the "Board") to transact all County business and perform all powers of local legislation and administration it deems appropriate, including the enactment of legislation designed to protect the health, safety, welfare, and quality of life of the citizens of Douglas County; and

WHEREAS, by Resolution No. HR-12-9-3, the Board of County Commissioners adopted Construction Codes of Douglas County, Kansas, September 19, 2012 Edition, codified at Chapter 13 of the Douglas County Code (as subsequently amended, the "Construction Codes"), generally adopting new construction and building codes for the unincorporated areas of Douglas County, Kansas, replacing construction codes that were previously in place, with the new codes becoming effective January 1, 2013; and

WHEREAS, the Board desires to make certain amendments to the Construction Codes as set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, SITTING IN REGULAR SESSION THIS ___ DAY OF _____ 2013 AND INTENDING TO EXERCISE THE POWERS OF HOME RULE LEGISLATION PURSUANT TO K.S.A. 19-101a, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. AMENDMENTS TO CONSTRUCTION CODES. The Construction Codes of Douglas County, Kansas, September 19, 2012 Edition, as codified at Chapter 13 of the Douglas County Code and as previously amended, are hereby amended as follows:

1.1 Section 13-106.6 of the Douglas County Code is amended and restated to read as follow:

13-106.6 **Right of Entry and Inspection.** Absent exigent circumstances, when (1) it is necessary to enter a premises or structure to inspect to enforce or verify compliance with the provisions of this Chapter or other applicable law; or (2) the building official has reasonable cause to believe that (a) there exists upon a premises or in a structure or equipment upon a premises a condition which is contrary to or in violation of this Chapter or other applicable law, or (b) a condition exists upon a premises which creates an unsafe structure, unsafe equipment, structure unfit for human occupancy, unlawful structure, or dangerous structure or premises, the building official is authorized to enter the premises or structure at reasonable times to inspect or to perform the duties imposed by this Chapter or other applicable law.

1. **By Consent.** If such premises or structure is unoccupied, the building official shall make a reasonable effort to locate the owner or person having charge or control of the premises or structure, present credentials, and

request entry to portions of the premises or structure not open to the public. If the premises or structure is occupied, the building official shall attempt to make contact with the occupant, present proper credentials, and request entry to portions of the structure or premises that are not open to the public. If consent is given, the building official may enter the premises or structure to inspect or to perform the duties imposed by this Chapter or other applicable law.

2. **Administrative Search Warrant.** If the building official is unable to make contact with the owner or person having charge or control of the premises or structure, or the occupant, or the building official is denied consent to enter and inspect, or the building official believes it is unsafe or impractical under the circumstances to seek consent to enter and inspect, then the building official shall have recourse to the remedies provided by law to secure entry and inspection. Those remedies shall include seeking an administrative search warrant.

3. **Process for Seeking Administrative Search Warrant.** To obtain the administrative search warrant to enter and inspect, the building official shall present a sworn affidavit to a judge of the district court stating the grounds for the administrative search warrant, which shall include: (a) the name of the owner and/or occupant of the premises, if known or reasonably ascertainable; (b) the address or location of the premises; (c) a statement that the building official has reasonable cause to believe that it is necessary to enter the premises or structure to inspect to enforce or verify compliance with the provisions of this Chapter or other applicable law; or the building official has reasonable cause to believe that there exists upon the premises or in a structure or equipment upon the premises a condition which is contrary to or in violation of this Chapter or other applicable law, or a condition exists upon a premises which creates an unsafe structure, unsafe equipment, structure unfit for human occupancy, unlawful structure, or dangerous structure or premises; (d) the basis for the building official's reasonable cause to believe the condition or violation identified in clause (c) exists, including without limitation observation of the premises or structure from areas accessible by the public, complaints from third parties, photographs and other images, video, law enforcement reports, statements or admissions by the owner or occupant, reasonable inferences of the building official, and any other reasonable basis; and (e) identification, with reasonable particularity, the area or areas of the premises, structure, or equipment sought for entry and inspection.

4. **Administrative Search Warrant: Contents.** The building official shall request that (a) absent exigent circumstances, the administrative search warrant specify that the building official and his or her designees as being authorized to enter the premises and structure and complete the inspection at any time between the hours of 8 a.m and 6 p.m; (b) the administrative search warrant describe with reasonable particularity the area or areas of the premises, structure, or equipment to be inspected; (c) the administrative search warrant direct the owner, occupant or operator of the premises to cooperate with the building official regarding access to the premises, structure, or equipment, to permit the inspection, and to not obstruct or interfere with the inspection; (d) the administrative search warrant authorize the building official to secure law enforcement to assist in the service and execution of the warrant, in the

reasonable discretion of the building official; (e) the administrative search warrant authorize the building official to enter the premises or structure, have access to the equipment, and use reasonable force to obtain entry as may be necessary under the circumstances; and (f) the administrative search warrant not authorize the building official to seize any personal property or equipment, unless the property presents an imminent danger to life, property, or the public welfare, but the foregoing shall not prevent the building official from condemning any premises, structure, or equipment in accordance with this Chapter.

The other provisions of Section 13-106 are not amended.

1.2 Section 13-117 is amended and restated to read as follows:

13-117 **UNSAFE STRUCTURES AND EQUIPMENT**

13-117.1 **Condemnation.** All equipment, systems, devices and safeguards required by this Chapter, a previous statute or code applicable to the structure, premises or equipment, or other applicable law shall be maintained in good working order and repair. It shall be unlawful for an owner, operator or occupant to cause or permit any equipment, systems, devices and safeguards, or any other service, facility, equipment or utility required by this Chapter, a previous statute or code applicable to the structure, premises, or equipment, or other applicable law, to be removed, shut off, or discontinued from any occupied structure, except for such temporary interruption as necessary while repairs or alterations made in accordance with applicable law are in progress. Structures (including agricultural buildings), real property, or existing equipment that are or hereafter become unsafe, unsanitary, deficient, or in violation of applicable law because of inadequate means of egress facilities, inadequate light and ventilation, inadequate safety features, or which constitute a fire hazard or life-safety hazard, or are otherwise detrimental to public health, safety, or welfare, or that involve illegal or improper use, occupancy or inadequate maintenance, shall be condemned pursuant to the provisions of this Chapter. Unsafe structures shall be taken down and removed or made safe, and real property shall be restored to a safe and compliant condition, as the building official deems necessary and as provided for in this Section. Structures, real property, or equipment may be condemned for any of the following reasons:

1. **Unsafe Structure.** An unsafe structure is a vacant structure that is not secured against entry or a structure that is found to be dangerous to life, health, property, or safety of the public or the occupants of the structure, including without limitation, by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe or improperly installed equipment, or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

2. **Unsafe Equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition or is improperly installed or

maintained that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

3. **Structure Unfit for Human Occupancy.** A structure is unfit for human occupancy whenever the building official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is structurally unsound or unsafe, unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

4. **Unlawful Structure.** An unlawful structure is one occupied by more persons than permitted under this Chapter or other applicable law, or was erected, altered or otherwise occupied contrary to law.

5. **Dangerous Structure or Premises.** For the purpose of this Chapter, any structure or premises that has one or more of the following shall be considered dangerous and unsafe:

A. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn, or otherwise unsafe as to not provide safe and adequate means of egress.

B. Any portion of a building, structure, or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

C. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy, or is a threat to life or health.

D. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who are unable to appreciate the risk the building or structure poses and might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

E. Any building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, or otherwise, is unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness, disease, or injury.

F. Any portion of a building which remains on a site after the demolition or destruction of the building or structure; or whenever any building or structure is abandoned so as to constitute such building or

portion thereof as an attractive nuisance or hazard to the public.

Notwithstanding the foregoing, however, the provisions of this Section relating to condemning structures and ordering abatement of unsafe or dangerous structures shall not apply to any agricultural building (see Section 13-107.4.1 for definition) unless the agricultural building actually presents a public nuisance that endangers public health, safety, and welfare.

13-117.2 **Record.** The building official shall cause a report to be filed with the building official's records on an unsafe condition. The report shall state the occupancy of the structure, if any, and the nature of the unsafe condition.

13-117.3 **Notice.** Whenever the building official has condemned a structure, real property, or equipment, the building official shall serve on the owner, agent or person in control of the premises, a written notice that describes the condition deemed unsafe, unlawful, or dangerous and specifies the required repairs or improvements to be made to abate the unsafe condition, and the time to complete such repairs or improvements, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order. If the owner, agent or person in charge rejects or fails to comply within the time allowed, the building official shall have the authority to accept the terms of the order or to complete the repairs or demolition or otherwise remove the structure, equipment, system, or device, and to restore any real property to a safe and compliant condition, as reasonably necessary to protect public health, safety and welfare.

13-117.4 **Method of Service.** Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; (c) sent by certified or registered mail addressed to the owner at the address listed in the County tax records for the subject real property, with the return receipt requested; (d) posted conspicuously in or about the structure or real property affected by such notice, or (e) delivered in any other manner as prescribed by local law or reasonably calculated to reach the intended recipient. If sent by mail, the notice shall be deemed effective and complete three calendar days after mailing. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person occupying or responsible for the structure or real property shall constitute service of notice upon the owner.

13-117.5 **Placarding.** Upon failure of the owner or person responsible to comply with the notice provisions within the time given (if any time is given), the building official shall post on the premises or on defective equipment, system or device, a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

- 13-117.5 **Prohibited Occupancy.** Any structure, real property or equipment condemned and placarded by the building official shall be vacated as ordered by the building official, and shall not thereafter be occupied or used unless and until the building official authorizes. It shall be unlawful for any person to occupy a placarded premises or operate placarded equipment, and it shall be unlawful for any owner or any person responsible for the premises to permit anyone to occupy a placarded premises or operate placarded equipment. Any violator shall be subject to the civil and criminal penalties provided for violations of the provisions of this Chapter.
- 13-117.6 **Removal of Placard.** The building official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the building official shall be deemed to have violated the provisions of this Chapter and shall be subject to the civil and criminal penalties provided for violations of the provisions of this Chapter.
- 13-117.7 **Authority to Disconnect Service Utilities.** The building official shall have the authority to authorize disconnection of utility service to the building, structure, or system regulated by this Chapter and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The building official shall notify the servicing utility and, whenever possible, the owner and occupant of the building, structures or service system of the decision to disconnect prior to taking such action. If not provided prior to disconnection, written notification shall be done as soon as practical thereafter.
- 13-117.8 **Abatement.** The owner, operator, or occupant of a structure, premises, or equipment, system, or device deemed unsafe or dangerous by the building official shall abate or cause to be abated or corrected such unsafe or dangerous conditions either by repair, rehabilitation, demolition or other approved corrective action in the manner and within the timeframe specified by the building official. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with all applicable requirements of this Chapter, including the requirements of Section 113-107.4.7 and Chapter 34 of the International Building Code, 2012 Edition or Appendix J of the International Residential Code, 2012 Edition, as the case may be.
- 13-117.9 **Emergency Measures.** When, in the opinion of the building official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part thereof has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes, gases or vapors or the presence of toxic fumes, gases or materials, fire hazard, or operation of defective or dangerous equipment, or when any other emergency condition exists, the building official may, without notice or hearing, order and require the occupants to vacate the premises forthwith. It shall be unlawful for any person to enter such structure, except for the purpose of securing the structure, making the required repairs,

removing the hazardous condition, or of demolishing the same. Notwithstanding other provisions of this Chapter, whenever, in the opinion of the building official, there is imminent danger due to an unsafe condition, the building official may order the owner to perform the necessary work to be done to secure the structure to safeguard from imminent danger, including the boarding up or locking of openings to render such structure temporarily secure, whether or not the legal procedure described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such imminent condition. If the owner fails to perform such work to secure the structure and safeguard from imminent danger, the building official may employ the necessary labor and materials to perform the required work as expeditiously as possible to secure the structure in an effort to provide the minimum safeguards from imminent danger. Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the code official. The cost of such repairs shall be the responsibility of the owner and may be recovered in any civil or criminal action.

13-117.10 **Appeals.** Appeals under this Section 13-117 may be made as follows:

1. **General.** Any person directly affected by a decision of the building official or any notice of violation, condemnation, other order issued under this Section 13-117 shall have the right to appeal to the Board of Construction Codes Appeals, provided that a written application for appeal is filed with the Director of the Zoning & Codes Department within 15 days after the day the decision, notice, or order was served (with the exception of Section 13-117.9 – Emergency Measures specified below). The appeal shall be based on a claim that the true intent of this Chapter has been incorrectly interpreted or that the provisions of this Chapter do not apply. An application for appeal shall state the specific reason or reasons for the appeal, shall provide all facts in support of the appeal, and shall state, with particularity, the way in which the true intent of this Chapter has been incorrectly interpreted or applied. An appeal under this Section shall be heard according to the procedures set forth in Section 13-115.

2. **Emergency Measures.** To provide a prompt appeal for emergency notices, any person directly affected by a decision of the building official issued under Section 13-117.9 – Emergency Measures, shall have the right to appeal to the County Administrator or the County Administrator's designee, provided that a written application for appeal is filed within 3 days after the day the decision, notice, or order was served, but any appeal not perfected within 3 days may still be made to the Board of Construction Codes Appeals within the timeframe specified above. The appeal shall be based on a claim that the true intent of this Chapter has been incorrectly interpreted or that the provisions of this Chapter do not apply. An application for appeal shall state the specific reason or reasons for the appeal, shall provide all facts in support of the appeal, and shall state, with particularity, the way in which the true intent of this Chapter has been incorrectly interpreted or applied. The decision of the County Administrator may be appealed to the Board of Construction Codes Appeals, provided that a written application for appeal is filed with the Director of the Zoning & Codes Department within 15 days after the day of the decision.

3. **Appeal Fees.** The appeal fees provided in Section 13-115 shall apply to appeals to the Board of Construction Codes Appeals and the County Administrator pursuant to this subsection. The fee must be paid within the timeframe for filing an appeal.

4. **Stays of Enforcement.** Except for Emergency Measures ordered pursuant to Section 13-117.9, appeals of notices, citations, and orders shall stay the enforcement of the notice, citation, or order until the appeal is heard by the appropriate board or official. Appeals of Emergency Measures ordered pursuant to Section 13-117.9 shall not stay the enforcement of the notice, citation, or order, but a decision of the County Administrator or the County Administrator's designee overruling or invalidating a decision, notice or order of the building official on an appeal of Emergency Measurers shall stay the enforcement of the decision, notice or order pending the decision of the Board of Construction Codes Appeals.

Section 2. COPIES. Not less than one copy of the Construction Codes, as amended, together with the International Building Code, 2012 Edition; the International Residential Code, 2012 Edition; the International Plumbing Code, 2012 Edition; the International Mechanical Code, 2012 Edition; the International Fuel Gas Code, 2012 Edition; and the National Electric Code (NFPA 70), 2011 Edition; all adopted therein, marked and stamped in the manner provided by K.S.A. 12-3304, shall be filed with the County Clerk and shall be open to inspection and available to the public at reasonable business hours. Subsequent references to the "Construction Codes" shall mean the Construction Codes as adopted and amended herein.

Section 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase herein or in the Construction Codes is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions hereof. The Board declares that it would have adopted the Construction codes, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

Section 4. EXISTING RIGHTS OR VIOLATIONS. Nothing herein or in the Construction Codes hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or resolution repealed in connection with the adoption of the Construction Codes, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Resolution.

Section 5. REPEAL. Sections 13-106.6 and 13-117 of the Douglas County Code, as in effect prior to the effective date of this Resolution, inconsistent with this Resolution are repealed.

Section 6. EFFECTIVE DATE. This is a home rule resolution and shall take effect and be in force and effect from and after its adoption and its publication once in the official County newspaper.

ADOPTED THIS ____ day of _____ 2013.

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS
COUNTY, KANSAS

Mike Gaughan, Chair

Nancy Thellman, Member

Jim Flory, Member

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 5, 2013

Re : Consent Agenda Approval of Bids for Noxious Weed Herbicides

Bids were opened on February 25, 2013 for the supply of herbicides to treat noxious weeds. These herbicides are for supply to private landowners (at 75% of the county's cost plus shipping and handling) and for treating noxious weeds on county owned or maintained land. Bids were received from ten suppliers, as shown on the attached bid tabulation.

The recommended bids are as follows:

<u>Herbicide</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Total Cost</u>	<u>Vendor</u>
Picloram	400 gal.	\$ 45.94	\$18,376.00	Van Diest
2,4-D Amine	800 gal.	\$ 12.97	\$10,376.00	Van Diest
Glyphosate	500 gal.	\$ 13.26	\$ 6,630.00	Lone Pine
PastureGard HL	400 gal.	\$ 83.45	\$33,380.00	Lone Pine
Milestone(Gal.)	60 gal.	\$285.24	\$17,144.40	Lone Pine
Milestone(Qt.)	24 qt.	\$ 72.91	\$ 1,749.84	Lone Pine
Escort	128 oz.	\$ 3.85	\$ 492.80	C P S

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

DOUGLAS COUNTY PUBLIC WORKS

HERBICIDE BID TAB

Bid No. 13-F-0004 - Bid Opening Date February 25, 2013 - 3:00 p m

4-Mar-13

VENDOR	Qty/Gal	\$/Gal.	Picloram 22K	Qty/Gal	\$/Gal.	2,4D Amine	Qty/Gal	\$/Gal.	Glyphosate	Qty/Gal.	\$/Gal.	PastureGard HL	Qty/Gal	\$/Gal.	Milestone	Qty/Ot	\$/Qt.	Milestone	Qty/Oz	\$/Oz	Escort
Grass Pad	400	\$48.75	\$19,500.00	800	\$14.93	\$11,944.00	500	\$15.22	\$7,610.00	400	\$104.87	\$41,948.00	60	\$314.91	\$18,894.60	24	\$82.19	\$1,972.56	128	\$6.50	\$832.00
Lone Pine	400	\$48.93	\$19,572.00	800	\$13.85	\$11,080.00	500	\$13.26	\$6,630.00	400	\$83.45	\$33,380.00	60	\$285.24	\$17,114.40	24	\$72.91	\$1,749.84	128	\$11.79	\$1,509.12
V M Distribution	400	No Bid	\$0.00	800	\$15.23	\$12,184.00	500	\$14.24	\$7,120.00	400	No Bid	\$0.00	60	\$299.73	\$17,983.80	24	\$76.22	\$1,829.28	128	\$7.90	\$1,011.20
John Deere Land.	400	No Bid	\$0.00	800	\$20.48	\$16,384.00	500	\$17.80	\$8,900.00	400	No Bid	\$0.00	60	\$462.37	\$27,742.20	24	No Bid	\$0.00	128	\$14.38	\$1,840.64
C P S	400	\$48.85	\$19,540.00	800	\$13.25	\$10,600.00	500	14.55	\$7,275.00	400	\$88.00	\$35,200.00	60	\$299.73	\$17,983.80	24	\$76.22	\$1,829.28	128	\$3.85	\$492.80
Pennington Seed	400	No Bid	\$0.00	800	\$29.00	\$23,200.00	500	\$20.00	\$10,000.00	400	No Bid	\$0.00	60	No Bid	\$0.00	24	No Bid	\$0.00	128	No Bid	\$0.00
Helena Chemical	400	\$48.90	\$19,560.00	400	\$30.00	\$12,000.00	500	\$14.82	\$7,410.00	400	\$91.15	\$36,460.00	60	\$299.73	\$17,983.80	24	\$76.22	\$1,829.28	128	\$4.14	\$529.92
Alligare LLC	400	\$45.85	\$18,340.00	800	\$15.25	\$12,200.00	500	\$15.15	\$7,575.00	400	No Bid	\$0.00	60	No Bid	\$0.00	24	No Bid	\$0.00	128	\$2.95	\$377.60
Red River Spec.	400	\$48.15	\$19,260.00	800	\$13.59	\$10,872.00	500	\$15.33	\$7,665.00	400	\$97.00	\$38,800.00	60	\$299.73	\$17,983.80	24	\$76.22	\$1,829.28	128	\$4.05	\$518.40
Van Diest	400	\$45.94	\$18,376.00	800	\$12.97	\$10,376.00	500	\$13.45	\$6,725.00	400	\$98.29	\$39,316.00	60	\$299.73	\$17,983.80	24	\$76.22	\$1,829.28	128	\$3.97	\$508.16
Director of Public Works: Keith A. Browning			County Clerk: Jamie Shew			Dated: 02/25/2013															
By: Rita Fulks																					
REMARKS			BID SUMMARY																		
Red = Non Compliant Bid			COMPANY						AMOUNT												
Recommend Award			Lone Pine						\$58,874.24												
			C P S						\$492.80												
			Van Diest						\$28,752.00												
			TOTAL						\$88,119.04												



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
Doug Stephens, Public Works Operations Division Manager

SUBJECT: Lone Star Lake Marina Building Improvements

DATE: March 7, 2013

In September 2012, Public Works discussed options with you for improving the marina building at Lone Star Lake. The Board authorized staff to solicit bids for two options: 1) for the outside repairs and adding bathrooms; and 2) for the complete structure improvements.

In December 2012, Treanor Architects was contracted to review the structural, mechanical and plumbing needs of the facility for a fee of \$9,500. This fee included developing the construction documents, site observation during construction, approve submittals, and review pay application.

During a meeting to finalize the bid documents we discussed how the bids needed to consider the two options approved by the Board. Initially we intended to make the base bid the outside repairs and adding bathrooms, and add an alternate for the interior repairs. By taking this approach there was not a clear separation of demolition or required floor and joist repairs. We determined that it was not practical to separate the scope of work.

It is estimated that the base bid if we include the complete structure improvements would be approximately \$115,247 (bathroom and exterior repairs encompass about \$85,000 of this cost). Our bid would include alternates for steel guardrail, vinyl siding, fiberglass windows, tile floors and wainscot, flush valve toilets, and stainless steel toilets.

Funding for this project includes approximately \$100,000 in Special Parks & Recreation Fund, and a \$20,000 grant from Kansas Department of Wildlife, Parks, and Tourism. A recommendation will be brought back to the commissioners following the bidding process.

SUGGESTED MOTION: The Board of County Commissioners authorizes staff to solicit bids for complete structure improvements of the Lone Star Lake marina.

MEMORANDUM

To : Board of County Commissioners

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

Date : March 7, 2013

Re : Approval of Asphalt Supply Contract for 2013 Maintenance Season (HMA)

Bids were opened on February 19, 2013 for the supply of hot mix asphaltic concrete material for use during the 2013 road maintenance season. We requested bids for varying ranges of quantities. The 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 \$43.99/ton. We also recommend accepting the bid from Bettis Asphalt for 1,000 – 5,000 tons at \$48.90/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. Haul distance is also a factor in choosing which plant from which to haul.

Like the last few 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 2013 budget for Road & Bridge Fund 201 has \$550,000 allocated for BM-2 hot mix asphaltic concrete.

Action Required: Approve contract with Asphalt Sales of Lawrence to supply 5,001 tons to 8,000 tons of HMA asphaltic concrete at the unit price of \$43.99 per ton, and approve contract with Bettis Asphalt to supply 1,000 tons to 5,000 tons at the unit price of \$48.90 per ton.

2013 BM-2 (HMA) BIDS

25-Feb-12

**BM-2 (HMA)
LOW RANGE**

Vendor	Qty/ton	Plant Location	Unit Cost	Min. Purch. (Tons)	Min. Amount
Asphalt Sales	5001 - 8000	K-10	\$ 43.99	5001	\$ 219,993.99
Bettis Asphalt	1000 - 5000	Big Springs	\$ 48.90	1000	\$ 48,900.00
					<u>\$ 268,893.99</u>

TOTAL BM-2 (HMA) BID \$ 268,893.99
 BUDGET AMOUNT (201-71224) \$ 550,000.00
 BUDGET AMOUNT REMAINING \$ 281,106.01

**BM-2 (HMA)
HIGH RANGE**

Vendor	Qty/ton	Plant Location	Unit Cost	Max. Purch. (Tons)	Min. Amount
Asphalt Sales	5001 - 8000	K-10	\$ 43.99	8000	\$ 351,920.00
Bettis Asphalt	1000 - 5000	Big Springs	\$ 48.90	5000	\$ 244,500.00
					<u>\$ 596,420.00</u>

TOTAL BM-2 (HMA) BID \$ 596,420.00
 BUDGET AMOUNT (201-71224) \$ 550,000.00
 BUDGET AMOUNT REMAINING \$ (46,420.00)

**BM-2 (HMA)
LOW RANGE - ASSUME \$2.00 ADDED FOR AMI FLUCTUATIONS**

Vendor	Qty/ton	Plant Location	Unit Cost	Min. Purch. (Tons)	Min. Amount
Asphalt Sales	5001 - 8000	K-10	\$ 45.99	5001	\$ 229,995.99
Bettis Asphalt	1000 - 5000	Big Springs	\$ 50.90	1000	\$ 50,900.00
					<u>\$ 280,895.99</u>

TOTAL BM-2 (HMA) BID \$ 280,895.99
 BUDGET AMOUNT (201-71224) \$ 550,000.00
 BUDGET AMOUNT REMAINING \$ 269,104.01



DOUGLAS COUNTY EMERGENCY COMMUNICATIONS

111 East 11th Street, Unit 200
Lawrence, KS 66044

phone: (785) 832-5237
fax: (785) 330-2801

website: www.douglas-county.com
email: ecdept@douglas-county.com

MEMORANDUM

To : Board of County Commissioners

From : Scott W. Ruf, Director of Emergency Communications

Date : March 13, 2013

Re : Regular Agenda item waiving formal bidding process and authorizes staff to enter into negotiations with Spillman Technologies for a countywide CAD/Mobile/RMS solution.

SCOTT W. RUF
Director

911 ADVISORY BOARD

SHERIFF KENNETH MCGOVERN
Douglas County
Chairman

CHIEF MARK BRADFORD
Lawrence Douglas County
Fire-Medical Services
Vice Chairman

CHIEF TARIK KHATIB
Lawrence Police Department

CHIEF RALPH OLIVER
Kansas University

CHIEF CHRIS MOORE
Wakarusa Township Fire Dept.

This approval and authorization will allow for formal recognition of Spillman Technologies as the preferred vendor for the project and to complete system design, needs and project costs.

The total cost of this project is estimated at between \$800K and \$1M.

Douglas County Emergency Communications at the direction of the 9-1-1 Advisory Board solicited a Request for Information and Budgetary Proposals from qualified vendors for the CAD Project. Proposals were to include a CAD/Mobile solution as well as options for adding RMS and its related components. It was determined after review of the responses to seek permission to enter into formal negotiations with Spillman Technologies as they are best capable to provide the solution the County and its partner agencies require.

<u>Vendor</u>	<u>CAD/Mobile</u>	<u>RMS Option/Solution</u>
New World Systems	Yes	Yes
Pro Phoenix Systems	No Response to RFI	
Motorola Solutions	No Response to RFI	
Spillman Technologies	Yes	Yes
Cyrun Technologies	No Response to RFI	
Sungard Public Sector	Yes	Yes
Intergraph Public Safety	No Response to RFI	

The approval of this letter makes no commitment by the County for any capital expenses related to the overall project and its scope is to complete system design, needs, and negotiations related to project pricing. The CAD/Mobile solution is a qualifying expense under the Kansas 911 Act, for which there are sufficient reserve funds available. Costs related to components outside the CAD/Mobile will be itemized and addressed independently with the 911 Advisory Board and agencies wanting to utilize those system components.

Action Required: Regular Agenda authorization for Emergency Communications Director to advise Spillman Technologies of our intent to negotiate for a new countywide CAD/Mobile/RMS solution.



DOUGLAS COUNTY EMERGENCY COMMUNICATIONS

111 East 11th Street, Unit 200
Lawrence, KS 66044

phone: (785) 832-5237
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website: www.douglas-county.com
email: ecdept@douglas-county.com

March 7, 2013

SCOTT W. RUF
Director

911 ADVISORY BOARD

SHERIFF KENNETH MCGOVERN
Douglas County
Chairman

CHIEF MARK BRADFORD
Lawrence Douglas County
Fire-Medical Services
Vice Chairman

CHIEF TARIK KHATIB
Lawrence Police Department

CHIEF RALPH OLIVER
Kansas University

CHIEF CHRIS MOORE
Wakarusa Township Fire Dept.

Mr. Sam Kienow
Spillman Technologies
4625 Lake Park Blvd.
Salt Lake City, UT 84120

Re: Letter of Intent to Negotiate for Spillman CAD/Mobile/RMS Solution

Dear Mr. Kienow:

Please accept this letter as notification that Douglas County has approved moving forward into formal negotiations with Spillman Technologies for the design, purchase, implementation, and training for a new CAD/Mobile/RMS solution.

This letter, though not binding, is intended to serve as the basis for negotiating a final written agreement which will contain material terms not mentioned in this letter. This letter does not create an exclusive right to negotiate or obligation to continue negotiations. Either party may terminate negotiations at any time in their sole discretion. Partial performance by either party of the terms of this letter, or the efforts by either party to perform due diligence or carry out other acts in contemplation of consummating this transaction, shall not be deemed evidence of intent by either party to be bound by the terms of this letter. The parties will not be bound to an agreement unless and until each party reviews, approves and executes a final and definitive written agreement.

If you have any questions please do not hesitate to contact me. Thank you for your assistance with our project.

Sincerely,

Scott W. Ruf
Director, DGCO Emergency Communications

Cc: Craig Weinaug, County Administrator
Sarah Plinsky, Assistant County Administrator
Board of County Commissioners
911 Advisory Board
Jackie Waggoner, Purchasing Director



DOUGLAS COUNTY ZONING & CODES DEPARTMENT
MEMORANDUM

TO: Board of County Commissioners
SUBJECT: Pinwheel Farm Agritourism Use – Assembly Over 100 People public meeting
“Sheep Shearing Open Farm Day – March 16, 2013”
DATE: March 13, 2013

BACKGROUND:

Pinwheel Farm is owned by Natalya Lowther. Her Agritourism use registration was approved for activities not including over 100 people on February 8th, 2013. (copy of AgT 2013-01, her agritourism registration form is attached). Ms. Lowther would like to hold events that may exceed 100 people and the first such event is a “Sheep Shearing Open Farm Day” event on Saturday, March 16th, 2013. The other events that could draw over 100 people are a weekly Farmer’s Market, recreation related operations (fishing, hunting, bird watching, hiking, etc), farm related interpretive facilities, exhibits, and tours, and assembly type uses such as fairs or festivals for historical, cultural, or agriculturally related; weddings; receptions, etc. The Agritourism Registration Form was amended February 15th to include these additional activities. With the amended registration form are the supplemental pages that address “assembly uses over 100”. This amended Registration Form cannot be approved until the County Commission had reviewed and approved the first event proposed for assembly of over 100 people.

APPLICABLE REGULATIONS & INFORMATION SUBMITTED:

Section 12-319-7 AGRITOURISM SUPPLEMENTAL REGULATIONS was amended into the Zoning Regulations in January 2013 with the adoption and publication of Resolution 13-2. The section of these regulations that applies to “assembly type uses for over 100 people” is 12-319-7.02.c. That section reads as follows:

- c. Assembly type uses such as weddings, receptions, fairs, or festivals, that may have an attendance of more than 100 persons require Board of County Commission approval prior to registration as an agritourism use through the following process:
- 1) Information regarding the assembly type use shall be included with the registration form. The registration shall include, at a minimum, the following information:
 - a) The expected attendance,
 - b) Activities associated with the assembly use,
 - c) The number of assembly type events anticipated per year.
 - d) Where parking will be provided on site,
 - e) Lighting location and type if assembly is to occur after dark,
 - f) Means to address health and sanitation at the site.
 - g) Information from the applicable fire department regarding access to the site/assembly use.
 - 2) The County Zoning and Codes Office shall mail notice to all property owners within 1000 ft of the proposed use and the date and time the use will be considered by the Board of County Commissioners. For assembly type uses that will be located on an unpaved road, the Zoning and Codes Office shall mail notice to all property owners of

- residentially developed property on an unpaved road which would be considered the most direct route to the nearest hard-surfaced road. A 20 day notification period is required.
- 3) The proposed use will be placed on the first available Board of County Commissioner's agenda following the notification period. The Commission will hold a public hearing on the proposed use at the time and place listed in the public notice.
 - 4) The Board of County Commissioners may impose conditions and restrictions in conjunction with approval of the assembly type use.
 - 5) With County Commission approval the assembly type use, up to the attendance noted on the registration form, may continue to occur as long as registered as an agritourism use with the State and the County.

In response to the additional information required to be submitted with the Registration Form for assembly type uses over 100 people, the following is a summary of the information submitted [the full application has been posted on the Douglas County Zoning & Codes website since February 15th when notices were mailed.]

- a) The expected attendance – 75 to 125 people (which includes farm volunteers and demonstrators)
- b) Activities associated with the assembly use – view sheep shearing, tour the garden area, visit the pasture, look at the chickens, feed treats to the sheep, visit craftspeople demonstrations of fiber-related crafts, purchase products from craftspeople, view Pinwheel Farm booth with wool crafts and other products offered for sale. The event may be catered by a food truck located on the north side of the Green Barn.
- c) The number of assembly type events anticipated per year – sheep shearing would occur once or twice a year; the farmer's market is proposed to occur weekly, a specific number of the total events to be held in a year was not given.
- d) Where parking will be provided on site – the site plan indicates 34 parking spaces will be provided on site, in four principal areas throughout the Pinwheel Farm property. Two accessible parking spaces are provided near the sheep shearing activity area. On street parking is discouraged and signs will be posted along North Street and 5th Street to indicate "no parking" areas during the event. Visitors are actively encouraged to walk, ride a bike, take a bus, or car pool to save energy.
- e) Lighting location and type if assembly is to occur after dark – The activity is only proposed during daylight hours. There is a backup lighting system proposed if the sun is not out.
- f) Means to address health and sanitation at the site – the farm's private privy will be available to visitors. An ADA portable toilet will be required for this event based on the estimated attendance. Drinking water will be provided in coolers near the barn. Recyclable cups will be provided if visitors do not bring their own bottles, containers to refill.
- g) Information from the applicable fire department regarding access to the site/assembly use – There are two city fire hydrants located along North Street or N 5th Street that are within 400' of the Green Barn where the sheep shearing activity will take place. Grant Township is served by the Lawrence Fire Department. Fire trucks have on occasion entered the site's driveway.

NOTICE AND SUPPLEMENTAL INFORMATION:

In accordance with the Zoning Regulations, mailed notice of the proposed "Sheep Shearing Open Farm Day" assembly activity were mailed to property owners within 1000' of Pinwheel Farms on February 15th, 2013, providing at least 20 days notice of the County Commission meeting to consider this use request. A general location map was provided with the notice letter. [A copy of the notice is provided with this memo.]

Staff has received comments from three individuals, who have expressed concerns about:

- overflow parking extending on to North Street and other city streets in the area, which are full width city streets and which do not have curb & gutter, making parking along them difficult;
- with the safety of the structures on the property if they have not been inspected by the Codes staff for compliance with the building codes
- with the frequency of assembly type uses is weekly farmers markets draw over 100 people; and,
- with the impact of noise or lighting on nearby properties.

COMMISSION ACTIONS:

The Commission has the authority under section 12-319-7.02.c. to impose conditions on the assembly use/uses proposed and to limit upper range for the assembly type use to the 125 on the Registration Form Supplemental pages.

Douglas County Agritourism Registration Form



Following registration of your agritourism use with the State of Kansas, please provide a copy of the approved State Agritourism Registration form with this completed County registration form to the Douglas County Zoning and Codes Department.

AgT 2013 - 01

SECTION A: Registration Name and Contact Information

Business Name <i>Pinwheel Farm</i>	Phone Number <i>785-979-6786</i>	Email Address <i>natalyalowther@netmail.com</i>	Website <i>www.pinwheelfarm.org</i>
Physical address of Agritourism Business <i>1478, 1480 N. 1700 Rd and 2 landlocked parcels</i>	City <i>Lawrence</i>	State <i>KS</i>	Zip Code <i>66044</i>
Owner Name And Mailing Address <i>Natalya Lowther, P.O. Box 1561, Lawrence, KS, 66044</i>			
Type of agritourism experience offered (please check all that apply):			
<input checked="" type="checkbox"/> Ranch vacation	<input checked="" type="checkbox"/> Horseback Riding	<input checked="" type="checkbox"/> Hunting/Fishing	<input checked="" type="checkbox"/> U-Pick Gardens
<input checked="" type="checkbox"/> Vineyards/Wineries	<input checked="" type="checkbox"/> Seasonal Events	<input checked="" type="checkbox"/> Farm Tours	<input checked="" type="checkbox"/> Education Vacations
<input checked="" type="checkbox"/> Farmers Markets/Product Sales	<input checked="" type="checkbox"/> Other <i>see attached</i>		
List services, activities, facilities and amenities provided: <i>see attached</i>			
Please give a detailed description of all agritourism experiences offered to your guests: (attach a separate page if additional space is needed) <i>see attached</i>			

SECTION: B – Assembly Types of Uses

[RE: Section 12-319-7.02c]

(Only complete this section if one or more of the uses proposed in Section A above and on your State Agritourism Permit include assembly type uses such as; weddings, receptions, fairs, festivals, or similar attendance-generating uses.)

1. Is the attendance anticipated to be generated over 100 persons?
 Yes No *see attached notes on "Assembly type uses"*
 (If you answered No, please skip to **SUPPLEMENTAL INFORMATION**. If you answered Yes, please complete the following questions.)
2. Describe the activities associated with the assembly type use(s) listed in Section A.
see attached
3. Will the assembly use occur within an existing or new structure? Yes No

(If you answered Yes, please check with the County Zoning & Codes Department regarding the sections of the Construction Code that will apply.)

4. What is the nearest paved road/ County Route to the agritourism property? _____
5. What driving route is proposed from the nearest paved road to the agritourism property? Are there any physical impediments to road access to the site e.g. steep slopes, sharp curves, minimum maintenance roads, one-lane bridges, etc.?

6. How many assembly type events are anticipated per year? _____

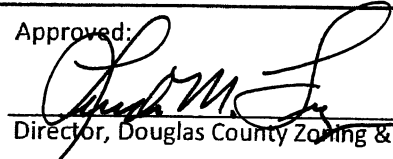

SECTION C – REGISTRATION CHECK LIST AND APPROVAL

- Section A completed – 501 N Street deleted
- Section B completed
- Supplemental information attached [see review and approval comments below]
- Reviewed by Planning Director and Director of Zoning & Codes date: Feb 7 & 8, 2013
- Approval date: 02-08-2013

REVIEW AND APPROVAL COMMENTS:

1. Registration Form and Agritourism regulations are only applicable to properties in the unincorporated area. 501 North Street cannot be included in the Agritourism operation or as a property approved by this form. This does not affect the farm operation as an Agricultural use.
2. Assembly uses approved as part of this Form are for 100 or fewer. Additional, activity specific use information will need to be provided for your first 100+ activity. This will require a site plan, specific location of portable restroom, and structures to be used. Only the first activity is required to go to BOCC for approval (unless there are problems that result from the first activity).
3. Excluded from approval are farm stays and off-grid camping, which both require additional review and approval.
4. All activities that require a permit under the "structures" section of your application, e.g., electrical, plumbing, framing will be required to obtain a permit prior to use of the structure for the activity. PLEASE NOTE: Under "structures", you indicate 1478 N 1700 is a code compliant building, when what it is, is a non-conforming structure, since it existed in 1966 when the Zoning Regulations were adopted. Also, the accessible parking spaces need to meet ADAAG requirements – particularly as to signage. Please amend your registration form to clearly state this.

PLEASE NOTE THIS APPROVAL IS TIED TO THE STATE AGRITOURISM PERMIT APPROVAL FOR THE SAME AGRITOURISM ACTIVITIES. THIS PERMIT IS NON-TRANSFERRABLE TO ANOTHER OPERATOR OR ANOTHER PROPERTY LOCATION.

Approved:  Director, Douglas County Zoning & Codes	Date: <u>02-08-2013</u>  Director, Planning & Development Services
--	--

EXPIRATION DATE: 5 YEARS FROM ISSUANCE OF STATE OF KANSAS AGRITOURISM PERMIT FOR THE ACTIVITIES STATED IN THE REGISTRATION FORM.

* Engaging in any activity not listed on the registration form will be considered a violation subject to the enforcement provisions of Section 12-329 of the County Zoning Regulations.



DOUGLAS COUNTY ZONING & CODES DEPARTMENT

2108 W 27th Street, Suite I

Lawrence, Ks 66047

Phone: 785.331.1343 Fax: 785.331.1347

**NOTICE OF PUBLIC ASSEMBLY REQUEST FOR GREATER THAN 100 ATTENDEES
SHEEP SHEARING OPEN FARM DAY AT PINWHEEL FARM
MARCH 16, 2013**

Dear Property Owner:

You are receiving this letter because of a planned Agritourism activity at the Pinwheel Farm site [see map on reverse side] that is anticipated to draw more than 100 participants on March 16, 2013. Assembly Activity Request Form is posted on department's website [see link below].

Agritourism activities are a recent addition to the permitted uses in the A (Agricultural) Zoning District, a zoning district for the unincorporated areas of Douglas County. In the County Commission's recent amendment to the Zoning Regulations, a stipulation was placed on agritourism activities that would draw more than 100 people in a day. This stipulation was that the first such activity must be presented at a public meeting to the County Commission and that notification was to be mailed to property owners within 1000 feet of the Agritourism property.

The County Commission created this public meeting process to provide nearby property owners with an opportunity to present testimony in regard to the proposed Agritourism activity. Unlike other zoning uses that require public hearings or allow official protest petitions to be recorded, this is a public meeting to gather information – support and/or concerns – regarding the proposed Agritourism activity, in this case, the "Sheep Shearing Open Farm Day" activity. The County Commission welcomes your comments in person or in writing prior to the scheduled public meeting. Information regarding the public meeting location, date and time are in the box below:

Date & Time: Wednesday, March 13, 2013 after 6:35 pm

Location: Douglas County Courthouse,
11th & Massachusetts Street, 2nd floor
County Commission Chambers

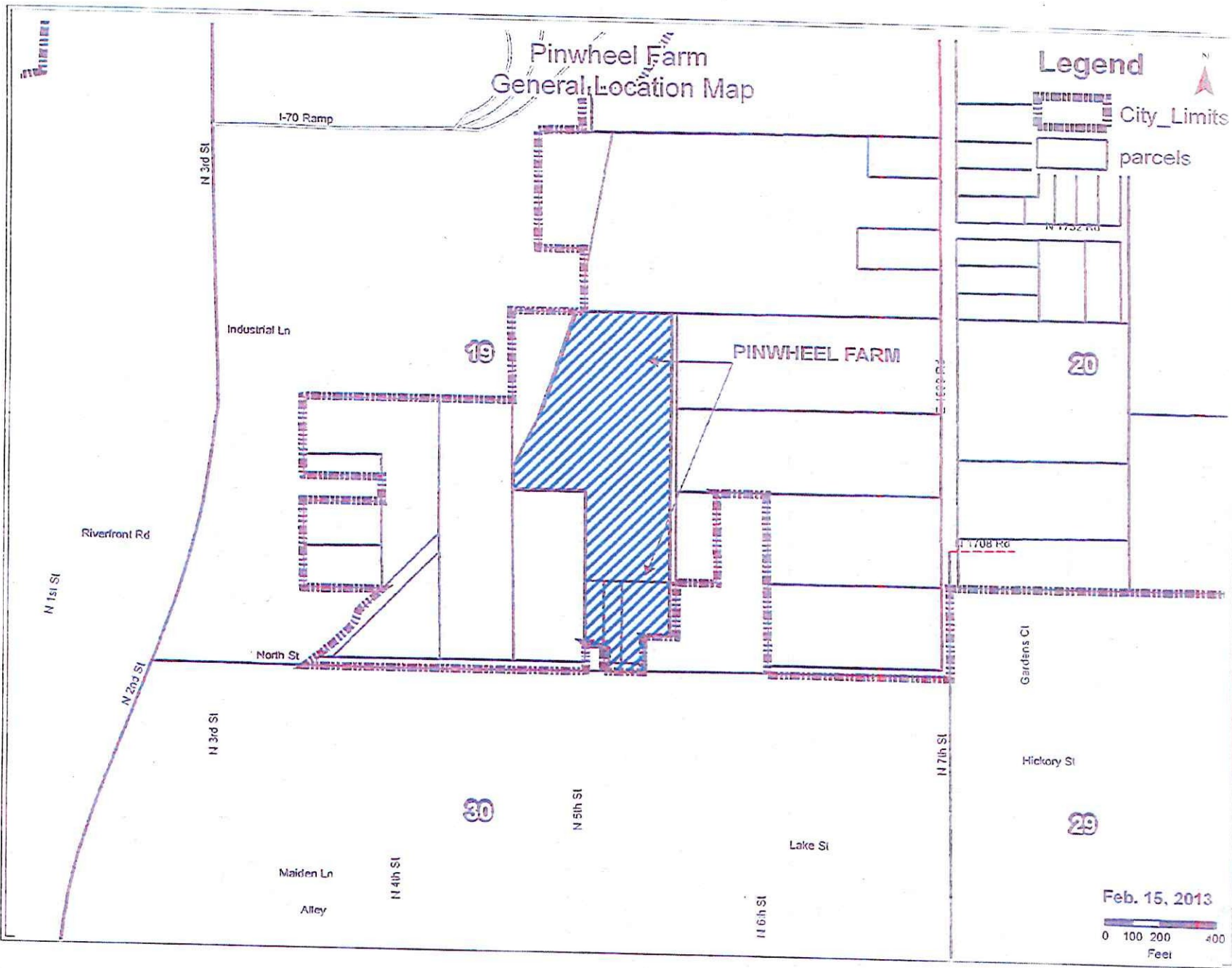
FOR ADDITIONAL INFORMATION PLEASE CONTACT:

PINWHEEL FARM [Applicant]:	Natalya Lowther, owner & operator Phone: 785-979-6786 Email: natalyalowther@hotmail.com Website: www.pinwheelfarm.org
ZONING & CODES DEPT:	Phone: 785-331-1343 or 331-1344 Address: 2108 W 27 th Street, Suite I Website: http://www.douglas-county.com/depts/zc/zc_home.aspx

Sincerely,

Linda M. Finger
Interim Director, Douglas County Zoning & Codes

Pinwheel Farm General Location Map



SECTION A. Here is our description from the KS Agritourism Website, listing our activities in detail. Since each visitor has different interests, and often the immediate needs of the farm guide the visitor/farmer interaction, it is really impossible to describe all experiences in specific detail. Sheep Shearing Open Farm Day activities typically include playing on logs, feeding grass to the sheep, watching the Border Collie, visiting with friends, watching the sheep be sheared, helping weigh fleeces, touring the garden, eating snacks, etc.

Company Name: Pinwheel Farm
Address: 1480 and 1478 N 1700 Rd. and 501 North St
City: Lawrence
State: KS
Zip: 66044
People: Natalya Lowther
Email: natalyalowther@hotmail.com
Phone: 785-679-6796
Web: www.pinwheelfarm.org

Agritourism Experiences: Tours/demonstrations of our farm operations, hands-on learning experiences (volunteer) involving all aspects of farming and value-added crafts based on farm products, educational presentations both on and off farm, how-to classes and workshops (on and off farm), home stays (limited), off grid camping (when it becomes legal in Douglas County), nature walks, off-grid worship services, small off-grid weddings and similar events, agri-arts events, workshops and opportunities, on-farm sales of farm and value-added products as well as ancillary products, farm product tasting events, farm-related recreational activities such as hiking, wildlife watching, dog experiences, kites, informal ball games, frisbees, etc., edible wild plants, children's classes and tours, farm housekeeping skills, wool-related crafts and experiences, farm product tool demonstrations/testing, tree farming, skinning and working with hides, bioremediation, permaculture, aquatic environments, fruit production, to pick for selected crops, Sheep Shearing Open Farm Day including hands-on experience with wool and shearing, sheep management, handling and treatment, farm safety including environmental, electric, plumbing, mechanical, fire, poultry experiences (depending on season), treehouse and primitive structures, primitive/survival skills.

Company Description: Whatever your interest, involvement, background, or skills, you're sure to learn something new at Pinwheel Farm! We research, practice and teach many aspects of sustainable living and farming as we work together to raise forage-fed sheep and beyond-organic vegetables. Market lambs fattened on trees? Salad greens in the summer with no irrigation? Perennial Swiss Chard? No-till tomatoes and potatoes? A portable solar tracker that follows the sun like a sunflower and powers lights and fans so we can farm at night? Lambing Boot Camp? Veggies without violence? Locally grown soap? Come be amazed at Pinwheel! We love to share our adventures with novices, home gardeners, and production growers alike. From one-hour tours to year-long residencies, we can tailor a learning experience to your needs and interests. Sheep Shearing Open Farm Days in March and September each year. (check our web site for details, or find "Pinwheel Farm" on Facebook!)

SECTION B.

ASSEMBLY TYPE USES: This application is to expand our already-approved registration, approved Feb. 8, 2013, to include Assembly type uses with greater than 100 attendees.

Sheep Shearing Open Farm Day: We hire a professional sheep shearer to shear our sheep once or twice a year. We invite the public to come watch this unique event. It takes place in the barn where we have our sheep handling facilities. Usually, we provide "bleachers" of hay bales for spectators to get a good view. We try to have local fiber craftspeople bring displays or demonstrations. Visitors are invited to assist with handling the freshly shorn fleeces. We give brief farm tours and answer questions. We often have a potluck lunch following the work.

SUPPLEMENTAL INFORMATION

FEMA FLOODPLAIN: There is a FEMA floodplain on the north end of the farm. This area may be used for a guided tour on Sheep Shearing Open Farm Day, but will not be

“developed” in any way beyond mowing and marking of footpaths, agricultural fencing, and informational/directional signage.

SCALED AERIAL MAP: The attached map details how the site will be configured for this special event. The whole-farm map submitted with the original Agritourism registration applies. The text accompanying the whole-farm map in the original registration also generally applies to this application.

REQUIRED INFORMATION FOR ASSEMBLY TYPE USES

1. **ATTENDANCE:** We expect between 75 and 125 people total, including volunteers and demonstrators. Probably nearly half will be children. It is always very difficult to predict attendance at Sheep Shearing because of other events that day (St. Patrick’s Parade) and weather influences. We are promoting it more this year than in the past, so we expect attendance to be significantly greater.

2. DESCRIPTION OF ASSEMBLY ACTIVITY:

- a. **ACTIVITY LOCATION:** Sheep Shearing Open Farm Day is held twice each year, mid-March and mid-September. The Spring 2013 event will be held on Saturday, March 16 between the hours of 9 a.m. (volunteer check-in and orientation) and 3 p.m. (clean-up), with guests present mainly between 10 a.m. and noon. There are usually a few guests who stay longer to tour the farm. Since the St. Patrick’s parade begins at noon that day, it is likely that most guests will leave by then.

Sheep Shearing Open Farm Day is primarily an outdoor event, unless the weather is bad. Bad weather significantly decreases attendance of the public, although the event is held unless the sheep shearer cannot get here from Missouri.

While waiting for the sheep shearer to arrive from the previous farm, guests are welcome to feed treats to the sheep, tour the garden area of the farm, visit the pasture, look at the chickens, etc. We will probably have craftspeople doing demonstrations of fiber-related crafts, and/or selling their products. Pinwheel Farm will also have a booth offering its wool crafts and other products for sale.

We may have the event catered by a licensed food truck this year. That vehicle would park on the north side of the Green Barn barnyard area in the central lane. It would not hook up to farm utilities. It would operate from about 10 a.m. – 1 p.m.

- c. **STRUCTURES:** The sheep shearing operation itself takes place in the Green Barn. Hay bale “bleachers” are set up to provide a safe viewing spot for guests. The Green Barn has 3, 3’ doors plus additional gates in the livestock area, for excellent ingress/egress. Demonstrations and vendors may be set up inside in case of inclement weather, but more likely outside under canopies, in the barnyard area.

Because of the droning noise of the shearing machine, people tend to not watch every sheep be sheared. Also, with many children present, attention spans are limited. So only part of the guests are usually inside the barn at any one time, coming and going informally. There are also vantage points where guests can watch from outside the barn, through ventilation areas and gates.

c. TOILET FACILITIES: Most guests attending Sheep Shearing Open Farm Day are not at the farm for more than a couple hours, so toilet needs are generally minimal. An approved pit privy is located just northwest of the "Green Barn". Hand sanitizer is kept in the pit privy.

In filling out this form, we realized we have not yet discussed with the Douglas County Health Dept. or the Douglas County Zoning Dept. whether they would require an ADA toilet facility for an event of this nature. We would prefer not to have the added expense, since we typically do not make any significant amount of income from this event. Entrance is free, and sales in the past have totaled less than \$100 per shearing day.

If we are required to have an ADA toilet for this event, it would be placed either north of the shed across from the Green Barn, near the food truck, or to the east of the ADA parking spaces. This decision will best be made with input from the company supplying the unit. Neither of these sites are visible from the road, and they are both reasonably well screened from neighboring houses.

d. WATER: Drinking water will be provided using "construction site" style coolers or crockery bottle water dispensers located inside or just outside of the barn. Reusable or recyclable cups will be provided, but we will also suggest that guests bring their own water bottles to refill. The coolers/crocks/jugs will be cleaned, sanitized and filled with water from the City of Lawrence water supply.

e. OUTDOOR LIGHTING: Sheep Shearing Open Farm Day will be held during daylight hours. All lighting, both indoor and out, will be provided by the sun. The sun is an intermittent thermonuclear light source (G type main sequence star) located at a distance of approximately 92.96 million miles above the farm. Wattage in mid-March should be somewhat less than the summer peak output of 700 kilowatts per square meter at this latitude (39.02). Neighbors and drivers, as well as guests at this activity, will need to be responsible for their own screening from this light source. Pinwheel Farm recommends long sleeve clothing, broad-brim hats and/or sunglasses, but sunscreen and/or umbrellas may also be used.

If this light source were to temporarily be unavailable, our emergency lighting plan consists of a KZ1 Portable Konza Solar Tracker with a photovoltaic solar panel, gel battery storage unit, and 400 watt inverter. Output devices for this backup system are typically up to 3, 26 watt spiral fluorescent bulbs in clamp-on utility-type reflector bases. Thus, our backup light source is actually the same as our normal light source, except with a time delay system and much lower candlepower.

f. **PARKING:** Drives will have gravel aprons where they join the street, to prevent tracking of dirt onto the public road. The remainder of the driveways and associated parking areas (the Farmers' Market circle drive, the back and west side yard of 1480 N. 1700 Rd., and the woodlot near the Brown Barn.) are paved with alternative biodegradable, carbon-sequestering, permeable paving material (wood chips) as previously approved by the County Engineer. Some of the parking north of the residence at 1480 N. 1700 Rd. is on grass.

The attached event site plan shows 34 regular parking spaces plus two handicap accessible spaces. We only used about ½ these spaces last year, and had over 50 people attending. The attendance by families means more people per car.

We try to convey to potential event attendees that parking is limited and may be weather-dependent. We also actively encourage people to walk, ride bicycles, take the bus, or carpool to minimize traffic both on and off the farm.

To maximize available approved agritourist parking for the event, farm resident and volunteer vehicles will be parked at 501 North St. or in the west lane of the woodlot during the event. This will prevent guests from exiting through the woodlot through 501 North St.

g. **ACCESSIBLE PARKING:** Two accessible parking spaces (one van accessible) are provided south of the galvanized shed. Since the logical location of accessible parking will change depending on the nature of the event and where it is being held. To accommodate this, required signage will be mounted on posts on weighted bases so they can be moved to other locations for other events. Accessible spaces will be laid out with the lines marked with powdered ag lime. Event volunteers will keep watch to ensure that they are kept clear except for those legally entitled to use them.

h. **INGRESS/EGRESS:** For this activity, the main ingress/egress to the site will be from the main farm driveway, to best access the back yard and woodlot parking areas. These areas will be filled first, then guests will be directed to the Farmers' Market area parking in reverse direction from usual Farmers' Market traffic flow. Temporary directional signage will be used to make this clear to guests.

Foot and bicycle traffic will be generally along the same lanes as motor vehicles. Motorists will be watched to ensure appropriate caution to avoid problems. A bike parking area will be set aside.

i. **ACTIVITIES IN FLOODPLAIN:** There is a floodplain on the north end of the farm. None of the organized Sheep Shearing Open Farm Day activities will take place in this part of the farm, although it's possible that some guests may walk out to that area to enjoy the pasture and wilderness area.

3. **ANTICIPATED ROUTE:** Most guests will come from North 2nd (Highway 59/40) to the farm via North St. (aka N. 1700 Rd.) or via Lyon St. and 5th St. These are all paved public roads right up to the farm driveway. Main limitation on this particular date will be heavy traffic for St. Patrick's Day Parade. We wish we could schedule our event for a different day, but long-established Shearing Day schedules for many wool-focused sheep farms across Missouri and Kansas make it almost impossible to schedule for a different weekend than Pinwheel's traditional "third Saturday in March and September."

4. **FIRE DEPARTMENT INFORMATION:** Pinwheel (like all of Grant Township) is served by the City of Lawrence Fire and Medical. There are two fire hydrants near the farm, each about 400' from the Green Barn. Fire trucks have pulled into the driveway on a previously occasion (mulch fire in about 1998).

To minimize the risk of fire, Pinwheel Farm has strict policies in place restricting the use of open flames other than in conjunction with residential activities. Pinwheel Farm does not allow smoking outside of personal vehicles other than in designated smoking areas.

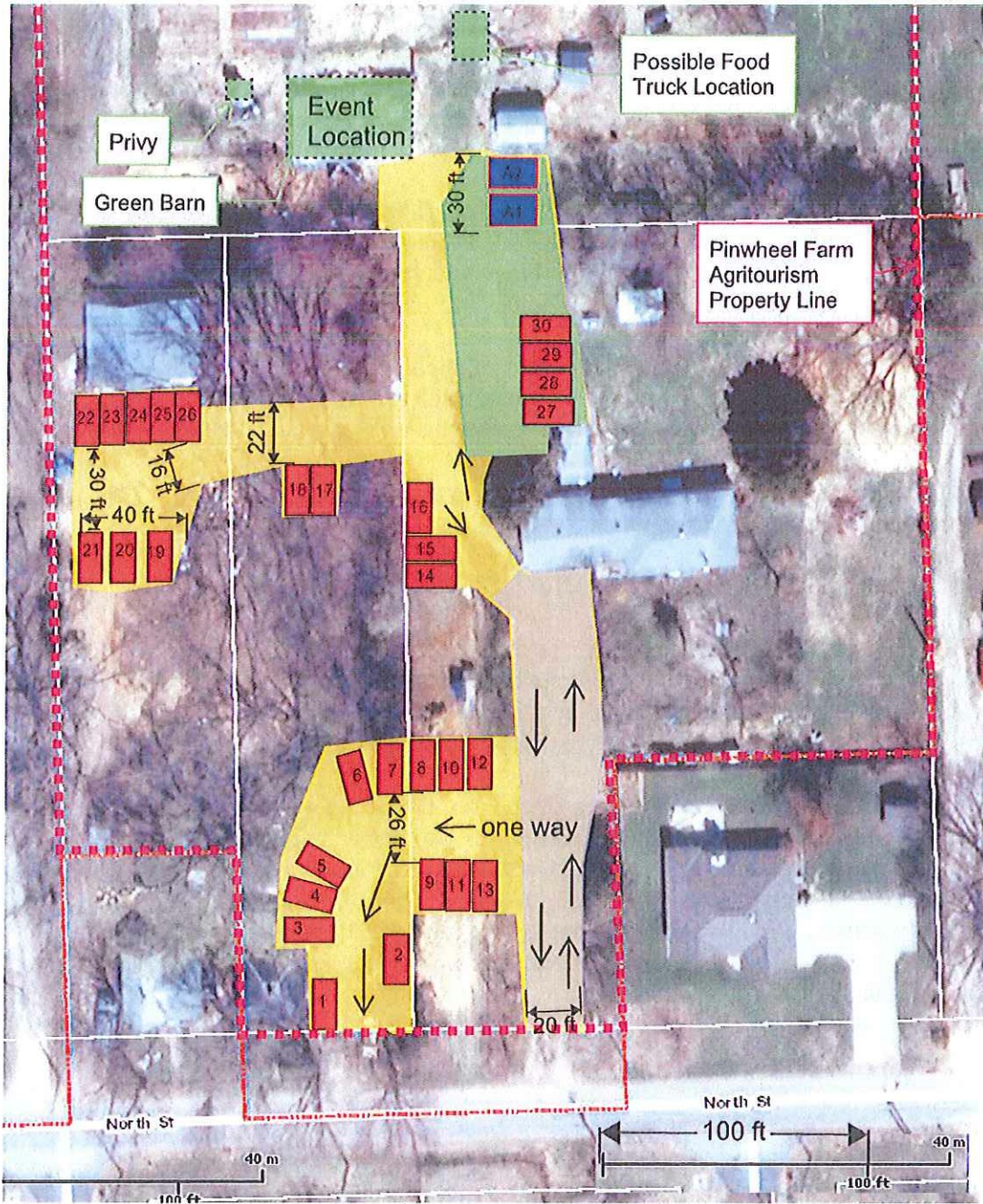
5. **DATES OF ACTIVITY:** Sheep Shearing Open Farm Day is held twice a year. The upcoming event will be March 16, 2013.

OTHER POSSIBLE CONCERNS NOT MENTIONED ON FORM:

TRASH DISPOSAL AND RECYCLING: Trash and recycling receptacles will be located near the doors of the Green Barn. We contract for trash service with Honey Creek Disposal. Trash expected to be generated by this event will include paper cups, napkins, paper plates, etc. We strongly encourage recycling and waste minimization.

NOISE REGULATIONS: Sheep Shearing Open Farm Day is quiet—a humming electric motor in the barn, car engines, laughing children. Electronically amplified sound (including live or recorded music) is not allowed at the farm. Noise from this event is not likely to exceed the normal sounds of voices, automobiles, etc. Noise arising from farm operations (machinery, livestock, etc.) is not legally considered a "nuisance" in Kansas. Excessive man-made noise can stress livestock, and we strive to keep our activities as quiet as reasonably possible.

Pinwheel Farm, Sheep Shearing Day, March 2013



- Gravel
- Woodchip Mulch
- Grass
- 19 ft x 9 ft Parking Space
- 19 ft x 11 ft Accessible Parking Space

Memorandum

City of Lawrence – Douglas County Planning & Development Services

TO: Board of County Commissioners

FROM: Mary Miller, Planner

Date: For March 13, 2013 County Commission Meeting

RE: REVISED CONDITIONS FOR THE CONDITIONAL USE PERMIT FOR PENNY SAND PIT; N 1500 RD & E 1850 RD; CUP-12-00099

The Board of County Commissioners accepted public comment and discussed the CUP referenced above at their February 27, 2013 meeting. The Commission deferred action on the item and directed staff to draft a set of revised conditions based on their discussion for their consideration at the March 13, 2013 meeting. The changes required by the Commission are noted below followed by a list of the revised conditions. The revised conditions are provided below with deleted text shown as ~~struck-through~~ and new language in **bold** print.

County Commission Direction

At the February 27, 2013 meeting, the County Commission directed staff to add or revise the following conditions:

1. Addition of a condition requiring that a hospital grade muffler system be installed, operated, and maintained on the dredge engine to reduce the noise levels associated with the dredging activity.
2. The hours of operation, 6:30 AM to 6:30 PM Monday through Friday revised to include the dredging equipment as well as the heavy earth moving equipment.
3. The note regarding the future use of the property following reclamation shall be revised to note that the lake will be used for 'private recreation' and no boats with more than 10 horsepower will be permitted on the lake without approval of a Conditional Use Permit.
4. The Commission indicated that an affidavit spelling out the ongoing maintenance and protection measures for the berm and lake be recorded so it would run with the land and provide notice for future property owners. This affidavit shall note that the future use of the lake will be 'private recreation' and that no boats with more than 10 horsepower engines will be permitted on the lake without approval of a

Conditional Use Permit. The Commission discussed the possibility of a bond for the ongoing maintenance/protection of the berms and water feature.

5. Pre-Dredging Report
 - a. If the Board of County Commissioners vote to contingently approve the CUP on March 13, 2013, this approval will be contingent upon the pre-dredging report to be prepared by an independent 3rd party consultant. The Commission will contract with the independent 3rd party consultant and pay for the analysis and report and the applicant shall reimburse the Commission when the report is complete. The applicant shall sign an agreement to reimburse the Commission prior to the commencement of work on the pre-dredging report.
 - b. The Conditional Use Permit will be returned to the County Commission following the completion of the pre-dredging report. Based on the pre-dredging report, the Commission may take one of the following actions:
 1. Approve the CUP with revised the CUP conditions.
 2. Approve the CUP with additional conditions.
 3. Withdraw the contingent approval of the CUP.
6. The size of the pit dredging operation shall be reduced from that originally proposed by the additional setback on the northwest and west sides and shall end at Phase 20 on the south. Revised CUP, operation, and reclamation plans showing the setback, riparian buffer and the southern limits of the dredging activity as Phase 20 shall be provided to the Planning Office prior to the release of the CUP.
7. River Channel Stability (based on GBA report)
 - a. A vegetated riparian buffer/ setback will be provided along the west and north sides of the property. This buffer is to be a minimum of 300 ft wide.
 - b. A general landscape plan for the riparian buffer shall be developed with the assistance of someone knowledgeable in the field. This plan shall be provided to the County Commission for approval. The vegetation shall be planted and maintained per this plan.
8. The revetment in the northwest portion of property breached in 1993 shall be studied by a competent engineer and removed or modified if found to be appropriate.

REVISED CONDITIONS

1. **CONTINGENT APPROVAL.**
 - a. **If the Board of County Commissioners vote to contingently approve the CUP, this approval is contingent upon the evaluation of the results of the pre-dredging report to be prepared by an independent 3rd party consultant.**

- b. **The County Commission will contract with a 3rd party independent consultant, to conduct the necessary studies and prepare the pre-dredging report following the execution of an agreement between the property owner and the County Commission which specifies that the property owner shall reimburse the County Commission for the expense following completion of a pre-dredging report which is accepted by the County Engineer. This agreement shall be executed and recorded prior to the commencement of work on the pre-dredging report.**

 - c. **The Conditional Use Permit will be returned to the County Commission following the completion of the pre-dredging report. Based on the results of the pre-dredging report and the recommendations of the consultant, the Commission may take one of the following actions:**
 - 1) **Approve the CUP with revised conditions,**
 - 2) **Approve the CUP with additional conditions,**
 - 3) **Withdraw the contingent approval of the CUP.**
2. PRE-DREDGING REPORT.
- a. The independent 3rd party consultant shall provide a pre-dredging report to the County Engineer for review. The CUP will be placed back on the County Commission's agenda for discussion of the results of the pre-dredging report and recommendations provided by the 3rd party consultant. The County Commission may revise the conditions of the CUP based on the results of this report. The pre-dredging report shall:
 - b. Determine the potential zone of influence through the following steps:
 - i. Take field measurements to determine the current groundwater table and flow direction.
 - ii. Determine the anticipated maximum dewatering influence from maximum rate of sand and water extraction, evaporation, and any other water consumption. The information provided should include the proposed rate of sand and water extraction or taking from the pond while recognizing the recycling of water. (Page 5 of Conestoga-Rovers Assoc.'s independent review report explains that this assessment could be completed based on existing information.)
 - iii. The results and an exhibit of the potential zone of influence shall be included with the pre-dredging report.
 - c. Confirm existing groundwater and/or soil quality to ensure there is no significant contamination from existing site area and operations, including an initial environmental site assessment (ESA) of potential sources and existence

of contamination (if an ESA has not already been conducted) through the following:

- i. Installation and sampling of groundwater wells in down-gradient area in locations approved by the County Engineer.
- ii. Soil assessment to determine suitability of soils for placement below water with reclamation.
- iii. The results shall be included in the pre-dredging report.

The County Engineer will determine if further investigation and remedial actions are necessary based on the results. Should potential contaminant sources be identified during the ESA process, the test pits shall be installed and additional soil testing shall be conducted per the County Engineer's recommendation.

- d. Establish baseline water quality and quantity conditions within potential zone of influence through a private water well survey of both up-gradient and down-gradient wells. Such survey is subject to landowner access permission. This information shall be included in the pre-dredging report.
 - e. Determine the location and number of groundwater monitoring wells to be installed by the applicant. The location of these wells must be approved by the County Engineer and an exhibit showing their location included in the pre-dredging report.
3. The applicant shall prepare and submit a fuel/chemical handling and spill response plan for the County Engineer's approval. **This plan will be provided to the Commission when the CUP is returned following completion of the pre-dredging report.**

ONGOING CONDITIONS – BEST MANAGEMENT PRACTICES AND PRECAUTIONARY MEASURES:

(these conditions are to be listed on the CUP plan)

4. Document the sand production levels and effective water consumption on an annual basis to aid in interpretation of monitoring data. Provide an annual report to the Zoning and Codes Department.
5. Monitor groundwater levels in adjacent private water supply wells (subject to property owner's permission) within the potential zone of influence on a quarterly basis. This information shall be provided to the Zoning and Codes Department in a quarterly report.
6. Monitoring of groundwater levels in monitoring wells on a quarterly basis. (In early years, monitoring while extraction is occurring in the NW part of the site will help

confirm the zone of influence.) This information shall be provided to the Zoning and Codes Department in a quarterly report.

- a. If any changes are determined in the potential zone of influence, adjustments will be made to the monitoring wells as deemed necessary by the County Engineer.
7. Install berms along the perimeter of the pit to prevent runoff from entering the pit.
8. The Zoning and Codes Department shall be notified if any fill import is proposed throughout the operation of the pit. Any fill import must be sampled and analyzed for chemical suitability and the results provided to the Zoning and Codes Department for approval prior to installation.
9. Remediate/report any spills in accordance with the fuel/chemical handling and response plan.
- 10. Continue river bank monitoring along the east bank of the KS River. Extend monitoring points north to the point the river bends from north to east, and also extend monitoring points east from the river bend along the north side of applicant's property. The locations of these monitoring points shall allow for surveying the river bank along the west and north sides of applicant's property. The river bank along the west and north side of applicant's property shall be surveyed by a licensed land surveyor following all overbank flooding events lasting more than one week in duration, and the results of the survey shall be conveyed to County Engineer.**
- 11. The applicant will be responsible for the cost of any mitigation measures needed, as determined by County Engineer, as a result of river bank movement on applicant's property. The cost of mitigation includes the cost of engineering design of the mitigation measures as well as the construction cost of the measures. Any mitigation measures are subject to USACE-KCD approval.**
- 12. The revetment in the northwest portion of property breached in 1993 shall be studied by a competent engineer experienced in fluvial geomorphology hired by the applicant, and removed or modified and additional revetments on the east bank shall be installed following river engineering study if the County Engineer, the United States Army Corps of Engineers-Kansas City District (USACE-KCD), and other permitting agencies find the changes appropriate. The applicant shall hire the engineer, and the study shall be commenced, prior to any excavation for the sand pit.**

OTHER CONDITIONS:

13. The approval is contingent upon the issuance of all State and/or Federal permits which are required for this operation.
14. An **affidavit** designating responsibility for the ongoing maintenance of the berms **and lake** to the property owner **and outlining the ongoing maintenance and protection measures** shall be executed and recorded with the Register of Deeds prior to the release of the CUP plans to the Zoning and Codes Office. **This affidavit shall note that the future use of the lake will be 'private recreation' and that no boats with larger than 10 horsepower engines will be permitted on the lake. The removal of these restrictions would require approval of a Conditional Use Permit.** A copy of the **affidavit** shall be provided to the Planning Office for the file.

With the transfer of property ownership of any land containing the water feature or surrounding berms, the new owner shall file a maintenance bond, or similar protection means acceptable to the Board, to insure maintenance/protection of the berms and water feature.

15. A copy of the easement for the off-site access drive shall be provided to the Planning Office for the file prior to the release of the CUP plans to the Zoning and Codes Office.
16. The applicant shall obtain a Flood Plain Development Permit from the Director of Zoning and Codes prior to the release of the CUP plans.
17. The reclamation plan shall be revised with the following changes prior to release of the CUP plans:
 - a. The plan shall note the requirement that the lake that is being created will have a varied shoreline and will appear natural in appearance.
 - b. The plan shall note that the intended use of the lake, when mining and reclamation is complete, is to be a **private** recreational feature **and note that boats with larger than 10 horsepower engines will not be permitted on the lake. The removal of these restrictions would require approval of a Conditional Use Permit.**
 - c. The plan shall note the maximum slope of the lake shoreline for a specified depth to insure that the slopes are of a grade that it would be possible for a person or animal that accidentally entered the lake to exit.
 - d. The plan shall explain the sequential nature of the reclamation process; that overburden produced in one phase will be used to reclaim previously excavated areas.
 - e. The reclamation plan shall note that topsoil will be placed over the overburden in areas that are to be reclaimed as farmland, shoreline, or berms. If topsoil is to be stockpiled and stored it must be vegetated to prevent erosion.

- f. **The reclamation plan shall be revised to reflect the increased setback and vegetated riparian buffer required on the north/northwest side of the property and the reduced area on the south, with Phase 20 being the final phase.**
18. The applicant shall submit a revised CUP plan with the following changes:
- a. **The additional setback and vegetated riparian buffer area shown on the north/northwest corner of the property per the County Engineer's approval.**
 - i. **The applicant will develop a general landscaping plan for the buffer area with assistance of the KS Forestry Service and/or the United States Army Corps of Engineers-Kansas City District (USACE-KCD) and provided with the CUP plan. The buffer area vegetation shall be planted and maintained per this plan.**
 - ii. **The general landscape plan must be approved prior to the release of the CUP to the Zoning and Codes Office.**
 - iii. **Planting shall commence in accordance with the landscaping plan when the weather is appropriate and shall be completed prior to any earthmoving occurring in the CUP area.**
 - b. **The sand pit will terminate with Phase 20 with no dredging activities to occur south of this phase. The CUP plan shall be revised to reflect the reduced area of the sand pit. The operation plans shall also be revised to reflect the reduced area of the sand pit and the additional buffer area.**
 - c. A detailed landscaping plan for the buffer area surrounding the McElwee house will be submitted.
 - d. The Book and Page number of the recorded easement for the off-site access road shall be noted on the CUP plan.
 - e. ~~The ownership shall be noted as Van, LLC as well as Penny's Concrete Inc. on the CUP plan.~~
 - f. The on-site residential structure on the east side of the property will be shown on the CUP plan as on the reclamation plan.
 - g. If stockpiling of overburden is to occur on the subject property, the CUP or operation plan should note the maximum height and approximate location. The stockpiles should be placed as far from the existing residences as possible.
 - h. List the following CUP conditions on the plan:

- i. Hours of operation are 6:30 AM to 6:30 PM, Monday through Friday. ~~No removal, transfer, or placement of overburden is permitted outside these operating hours; however dredging and extraction of sand may exceed these hours when necessary.~~
- ii. A hospital grade muffler system shall be installed, operated, and maintained on the dredge engine to reduce the noise levels associated with the dredging activity.
- iii. The approval for this Conditional Use is valid for 30 years. An extension request for the CUP must be submitted prior to the expiration date or a new CUP application must be submitted. The Zoning and Codes office shall conduct 5 year administrative reviews to insure compliance with the CUP, operation, and reclamation plans.
- iv. Only exterior lighting in the areas to be excavated will be the dredge lighting as required by the U.S. Coast Guard.
- v. The scale house, processing plant, sediment pond, and stockpile area, approved with CUP-2-2-79, will be used to serve the subject property.
- vi. Sales of overburden, topsoil, sand or aggregate products will occur only on the portion of the property that contains the scale house on the CUP plan.
- vii. Truck traffic will utilize Noria Road (E 1750 Road), and is restricted from using N 1500 Road or E 1850 Road.
- viii. **If any jurisdictional wetlands are located on the property**, the applicant shall work with the Army Corps of Engineers to determine how the existing wetlands will be treated. The applicant will provide documentation to the Planning Office on the wetlands indicating whether the wetlands will be maintained on site or if they will be mitigated elsewhere. If the wetlands will be maintained on site, the operation plan will be revised to include the protection measures and the property owner shall submit a revised CUP plan for administrative review/approval of the wetland setbacks. If the wetlands are to be mitigated, a revised CUP plan shall be submitted to note the removal of the wetlands.

19. The following improvements to nearby roads and intersections shall be completed per the County Engineer's approval before issuance of a permit for the Conditional Use :

- a. Realignment of the entrance to the sand facility so that it opposes the Noria Road intersection at N 1500 Road.
- b. Pavement of a 100 ft long section of the site access drive just north of N 1500 Road, as recommended in the TIS.

- c. Reconstruction of pavement in the Noria Road (E 1750 Road)/N 1500 Road intersection. The existing surfacing is likely a crushed rock base that has been chip sealed. This will not stand up to the increased truck traffic crossing N 1500 Road.
 - d. Construction of an eastbound right turn lane on Route 442 (N 1400 Road) at Route 1057 (E 1900 Road). This is mentioned as a desirable improvement in the TIS. Pavement on the existing shoulder at this location is not adequate for the projected amount of truck traffic.
20. The applicant shall install monitoring wells as recommended by an independent 3rd party consultant in the pre-dredging report. These wells shall be installed prior to the release of the Conditional Use Permit. The City of Eudora shall be allowed to monitor those wells on an ongoing basis.
21. Dredging on the subject property shall not occur concurrently with dredging on the property to the north as approved with CUP-2-2-79.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS

APPLICATION FOR CONDITIONAL USE PERMIT
FOR PENNY SAND PIT
CUP-12-00099

FINDINGS OF FACT

1. William Penny, Penny's Concrete, Inc. and Van, LLC (individually and collectively, the "**Applicant**") have filed an application for a Conditional Use Permit ("**CUP Application**") to operate a sand pit on approximately 434 acres of real estate located northwest of the intersection of N 1500 and E 1900 Roads.
2. The CUP Application seeks to allow the operator to develop an off-river sand pit south of the existing in-river dredging operation. Either in-river or off-river dredging will occur; both will not operate concurrently.
3. The subject site is located in a V-C (Valley Channel) District.
4. By Staff Report dated September 24, 2012, the Lawrence-Douglas County Planning Staff recommended that the CUP Application be granted, subject to certain conditions set forth therein.
5. On October 24, 2012, the Lawrence-Douglas County Planning Commission and the Planning Commission for the City of Eudora, Kansas held a joint public hearing on the CUP Application. At the conclusion of the public hearing, the Lawrence-Douglas County Planning Commission voted 4 to 3 with 1 abstention to recommend approval of the CUP Application, subject to certain conditions set forth in its Minutes from that meeting. The Planning Commission for the City of Eudora voted 4 to 1 to recommend the CUP Application be deferred to the County Commission pending completion of hydrologic studies to determine possible flow pattern of ground water in this area and assess potential impact to the City of Eudora water wells.
6. On November 28, 2012, the Board of County Commissioners of Douglas County, Kansas (the "Board") considered the CUP application and the recommendations of the Planning Commissions and voted unanimously (3 to 0) to defer the item to January with direction to the County Engineer to contract with an independent third-party consultant to review the Applicant's hydrology report and other materials related to ground water that have been provided and provide the Board with an assessment and recommendations.
7. The CUP application was placed on the Lawrence-Douglas County Planning Commission January 30, 2013 agenda for a new public hearing following re-

notification as a result of an error in notification with the first public hearing. (The required 1,000 ft notification area extended slightly beyond the north bank of the Kansas River into Leavenworth County and notice of the Planning Commission public hearing was inadvertently not sent to two property owners in Leavenworth County.)

8. Conestoga-Rovers & Associates, an independent third-party consultant that the County Engineer retained, submitted a report to the County Engineer, dated December 20, 2012 (the "**CRA Review Report**"), which provided a review and recommendations of hydrogeology considerations for the CUP Application.
9. On January 30, 2013, the Lawrence-Douglas County Planning Commission and the Planning Commission for the City of Eudora held a joint public hearing on the CUP application. The CRA Review Report was provided to the Planning Commission along with all communications and materials provided up to that date. At the conclusion of the public hearing, the Lawrence-Douglas County Planning Commission voted 4 to 3 to recommend denial of the CUP application. The Planning Commission for the City of Eudora voted 4 to 0 to recommend denial of the CUP application.
10. On February 27, 2013, the Board considered the CUP Application. The meeting was lengthy and the Board allowed all persons present at the hearing to provide comments. A summary of comments received is set forth in the Minutes of the Board.

CONCLUSIONS

1. The Board has the authority to review and to either approve or disapprove an application for a Conditional Use Permit under K.S.A. 12-755(a)(5) and Section 12-319 of the Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas (the "**Zoning Regulations**"), located at Section 12-319 of the Douglas County Code.
2. Conditional Use Permits are based upon the zoning power granted by the state but, by definition, empower governing bodies to impose conditions upon the granting of such permits to protect the health, safety and welfare of the public.
3. The Douglas County Zoning Regulations allow the Board to approve a CUP for a mining/excavation use located in a V-C (Valley Channel) District.
4. Section 12-319-1.02 of the Douglas County Zoning Regulations require the consideration of relevant facts, including the following, in determining to grant a Conditional Use Permit:
 - a. The zoning uses of properties nearby.
 - b. Character of the area.

- c. Suitability of the subject property for the uses to which it has been restricted.
- d. Length of time the property has remained vacant as zoned.
- e. Extent to which the change will detrimentally affect the nearby property.
- f. Relative gain to the public health, safety, and welfare by destruction in value of the petitioner's property as compared to the hardship imposed upon the individual landowners.
- g. Conformance with the Comprehensive Plan.
- h. Professional staff recommendation.

These factors are virtually identical to and incorporated from the considerations set forth in applicable Kansas cases. See *Golden v. City of Overland Park*, 224 Kan. 591, 584 P.2d 130 (1978) (setting forth a list of factors (referred to as the "Golden factors") for consideration in rezoning cases); *K-S Center Co. v. City of Kansas City*, 238 Kan. 482, 494-95, 712 P.2d 1186 (1986) (stating that the rules governing issuance of a Conditional Use Permit are similar to those factors applicable in rezoning cases).

- 5. Section 12-319-4.05 of the Zoning Regulations specifically recognizes that development of natural resources, such as the sand reserves on the subject property, should be allowed within zones reserved for their development and production, to guarantee that these sources will not be lost for the benefit of Douglas County, Kansas.
- 6. With respect to the foregoing factors, the Board makes the following findings:
 - a. Zoning and uses of property nearby. The subject property is located northwest of the intersection of N 1500 and E 1900 Roads. The site is zoned V-C (Valley Channel). The V-C District permits agricultural uses, farm residences, and recreation. Other uses, such as mining and excavation, require a Conditional Use Permit. The subject property and the surrounding area are used for agricultural purposes and rural residences. An in-river sand dredging operation is adjacent to the north boundary of the property.
 - b. Character of the area. The character of the area is largely agricultural in nature with some single-family residences and the existing in-river dredging facility to the north, adjacent to the Kansas River.
 - c. Suitability of subject property for the uses to which it has been restricted. The subject property is suited for uses to which it is restricted in the Valley Channel Zoning District. A sand pit is permitted in this zoning district, provided that the Board approves

the CUP Application. Proximity to the existing sand dredging/processing facility, access road, major transportation network and the location of sand reserves at the subject site make the subject site well-suited for a sand pit.

- d. Length of time subject property has remained vacant as zoned. The subject property has been zoned V-C (Valley Channel) since 1966, when county-wide Zoning Regulations were initially adopted in Douglas County. The subject property was developed with 2 farm residences in the early 1900s and the land is in agricultural production.
- e. Extent to which removal of restrictions will detrimentally affect nearby property. The staff report listed the following as potential negative impacts the sand pit could have on nearby properties: noise and activity levels, reduced visual appeal created by stockpiles of overburden or topsoil, impacts on well water, and traffic. Other potential negative impacts to neighboring properties that neighboring landowners identified are riverbank channelization and destabilization. As discussed further below, the Revised Conditions for the Conditional Use Permit for Penny Sand Pit (hereinafter, the “**Conditions**”) placed upon the Conditional Use Permit, however, will minimize detrimental impacts to adjacent property.
- f. 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 to imposed upon the individual landowner. With the imposition of the Conditions adopted herein, as they may be amended or supplemented as a result of the Pre-Dredging Report discussed in Paragraph 7 below, the sand pit will not adversely affect the public health, safety or welfare. Likewise, granting the CUP Application will not create unreasonable traffic safety issues.
- g. Conformance with the *Comprehensive Plan*. *Horizon 2020* does not directly address the issuance of CUPs for sand pit or other mining/excavation operations. The proposed location of the sand pit; however, is adjacent to an existing dredging operation and will utilize the same processing equipment and access road. There are conflicting natural resources present on this site - high quality soils and sand. Also, it was been suggested that public groundwater supply is a competing natural resource, but the Board concludes this issue is resolved with the imposition of the Conditions adopted herein, as they may be amended or supplemented as a result of the Pre-Dredging Report discussed in Paragraph 7 below. Granting the CUP application will impair continued use of the high quality

soils at this time, but denial of the CUP Application will impair use of the sand, another natural resource. As marketing of natural resources and protecting high quality agricultural soils are both recommendations in the Environment Chapter 16 of *Horizon 2020*, which resource should take precedence in this location was a policy issue referred to the Board. The Board concludes that the proposed use, mining and excavation, is in conformance with the Comprehensive Plan.

- h. Professional staff recommendation. Granting the CUP Application is consistent with the recommendations of the Lawrence-Douglas County Planning Commission staff. As stated in the Staff Report, any detrimental effect is mitigated by imposition of conditions.

- 7. Protection of groundwater and the possible impact of the sand pit operation on the City of Eudora's ground water supply were discussed at length. The CRA Review Report provided assurance that the impact to the groundwater can be evaluated with a pre-dredging report to determine more accurately the zone of influence and potential of the dredging activity to negatively impact the quantity/quality of the ground water. Therefore, the Board places a condition upon the Conditional Use Permit that the County Engineer retain an independent third-party consultant to prepare and submit to the Board such a pre-dredging study and report (the "**Pre-Dredging Report**"). The Board will contract with and pay the consultant for the Pre-Dredging Report. The Board and the Applicant will enter into an agreement by which the Applicant agrees to reimburse the Board for the costs and expenses of the Pre-Dredging Report, regardless of conditions or recommendations contained in the Pre-Dredging Report. Among other things, the Pre-Dredging Report will determine the potential zone of influence, provide an initial environmental site assessment of existing water and/or soil quality, establish baseline water quality and quantity conditions within the potential zone of influence, and determine the location and number of groundwater monitoring wells to be installed by the Applicant. The Board reserves the right to add or revise the Conditions, including changes in the size and location of the permitted sand pit, or to withdraw this contingent approval of the Conditional Use Permit based upon results of the Pre-Dredging Report.

The Applicant shall prepare and submit a fuel/chemical handling and spill response plan for the County Engineer's approval. This will serve to protect the groundwater from these types of spills.

These steps will provide information regarding the existing conditions, the potential zone of influence, and assess the potential of the sand dredging operation to negatively impact nearby private wells as well as the City of Eudora's wells. A list of conditions for Best Management Practices, based on the recommendations provided in the CRA Review Report, shall be followed to insure the protection of the quality/quantity of ground water in the area.

The Board also has concerns with the impact of the future use of the lake following reclamation. As the lake is open to the aquifer, measures to minimize the potential for ground water pollution for the life of the lake are necessary. The Board accepts the Applicant's proposal to limit the future use of the lake to 'private recreation' with a limit of 10 horsepower on boats. Any other use will require approval through the Conditional Use Permit process.

The Board concludes that these conditions placed upon the Conditional Use Permit will serve to protect the groundwater from contamination.

8. Noise, visual, and traffic disturbances were discussed at length. Hours of operation are established and hospital grade mufflers are required to reduce noise impact to the surrounding properties. Restrictions on exterior lighting are imposed to reduce adverse lighting impacts to surrounding properties. Any stockpiles provided on the site are required to be located as far from the residences as possible to alleviate the visual impact. Landscaping plans are to be developed for the setback areas for the adjacent residences to provide an effective buffer. The Traffic Impact Study indicated the truck traffic generated from the site will remain fairly consistent with past use, as the sand pit will not operate concurrently with the existing in-river dredging. Improvements to the nearby roadways recommended by the County Engineer are approved as conditions intended to insure adequate functioning of the roadway system. Establishment of a truck route to keep trucks off of township roads will reduce impacts from truck traffic.

The Board concludes that the Conditions will minimize noise, visual, and traffic disturbances.

9. The potential of a Kansas River channel change and possible impacts were discussed at length. The Board considered a report from GBA Architects/Engineers, which the County Engineer provided at the Board's February 27, 2013 meeting. The report indicates that a Kansas River channel change is best avoided by providing a large setback with riparian vegetation along the east bank of the Kansas River. The report also indicates that the new river channel can be eliminated, and the river moved back into its original channel if the breached embankment was removed or modified and recommended that additional monitoring of the river channel be applied.

The installation of a vegetated riparian buffer along the west property line (east bank of the Kansas River), removal or modification of the revetment breached with the 1993 flood to assist the river in returning to its original channel, and ongoing monitoring of the river channel are intended to minimize river channel change due to the sand pit operation.

With the application of new conditions discussed above, the Board concludes

that the off-river sand pit will not negatively impact the Kansas River channel.

10. The Board discussed a reduction in size of the dredging/sand mining area. Additional setback will protect the river channel and reduce the area. In addition, the Board voted to pull the pit back from N 1500 Road to end the dredging at Phase 20, rather than the proposed Phase 30. This would reduce the possibility of negative impact on wells in the zone of influence of this southern portion. As a result, the subject property on which dredging/sand mining is permitted is reduced from that initially contained in the CUP Application. The subject property on which dredging/sand mining is permitted shall be shown on an approved site-plan in accordance with the Conditions.
11. The Board discussed the balance of property rights with the protection of the public health, safety, and welfare and it was noted that this was a classic case of competing land use issues - individual liberty and personal property rights competing with the use of governmental regulations to protect the public health, safety, and welfare. It was concluded that in this instance, when conditions can be imposed upon a use that protect the public health, safety, and welfare, the use should be permitted.
12. The Board declines to adopt the opponents' suggestion to deny the CUP Application based upon their claim that the sand will not be utilized within Douglas County. The Applicant provided numerous examples of projects within Douglas County which utilize their sand, including the sand used by Douglas County road maintenance crews. The cost of hauling sand is a large portion of the expense of delivered sand. The Applicant is interested in moving the dredging operation off-river at this time as the Army Corps of Engineers indicated that in-river dredging will be suspended in this area of the Kansas River in May 2013. The County Engineer indicated that the representatives of the Corps of Engineers stated to him that the trend will be to move dredging operations off the Kansas River. The Board may also like to see the sand dredging operations move permanently off-river; however, the river dredging operation approved with CUP 2-2-79 is not before the Board for approval or revision at this time. The Board concludes that a sand pit in this particular area will benefit the community as a whole because the sand pit will provide a source of sand in the area and will maintain lower hauling costs. The Applicant has been operating a dredging operation in this location since 1979 and is not requesting to dredge additional sand, but to have the ability to move the dredging activity off the Kansas River, when necessary.
13. A reclamation plan was included with the CUP Application. The Board approves the reclamation plan with conditions, one of which was to revise the note regarding the future use of the lake. The lake was noted to be used for 'recreation' and the Board requires the note clarify that the future use is for 'private recreation' and that no boats larger than 10 horsepower will be permitted on the lake. Use of the lake for other than private recreation or the use of larger

boats will require approval of a Conditional Use Permit. This condition is intended to insure the ongoing protection of the lake, and thereby the groundwater.

14. The Board discussed the protection and ongoing maintenance of the lake. An affidavit designating that the owner has responsibility for ongoing maintenance of the lake and berms will be recorded with the Register of Deeds. This document will run with the land, and any purchaser of the land will find this information with a search of the title to the property. A condition requiring that a bond for maintenance or other similar protections acceptable to the Board be established will apply when the land transfer occurs. The new owner will need to file a maintenance bond or other similar protections acceptable to the Board to insure maintenance/protection of the water feature.
15. The Conditions were extensively discussed and debated. In finalizing the Conditions, the Board considered the recommendations of Planning Staff and the Lawrence-Douglas County Planning Commission, together with statements of representatives of the Applicant, consultants for the City of Eudora, reports of independent third-party consultants that the Board requested County Engineer to obtain, and statements of neighboring property owners. The final Conditions adopted herewith contain necessary safeguards to protect the public health, safety, surrounding property, persons and neighborhood values.
16. Provisions in the Conditions for a review of the Conditional Use Permit at 5 year intervals will ensure continuous monitoring of the Conditions.
17. Subject to the Conditions adopted herewith, the Board contingently approves the CUP Application, subject to additional or revised Conditions, including changes in the size and location of the permitted sand pit, or withdrawal of the approval, all based upon the results of the Pre-Dredging Report. Final approval of the CUP Application will come after completion and submission of the Pre-Dredging Report. As a result, this approval is not a final approval of the CUP Application until the Board has received and reviewed the Pre-Dredging Report and taken any action it deems advisable based upon the results of the Pre-Dredging Report.

The Board adopts and confirms the foregoing Findings of Fact and Conclusions on the _____ day of March, 2013.

Mike Gaughan, Chair

Jim Flory, Commissioner

Dissenting

Nancy Thellman, Commissioner

Eudora's Fight for Independence – A Natural Resource Conflict



The City of Eudora is named after Eudora Fish. She was the daughter of Paschal Fish, a leader of the Shawnee people who sold much of the land in the Eudora area to the early settlers. This statue was made by Sculptor Jim Brothers and was placed in the Eudora City Park in 2007.

Six years ago, the city of Eudora's City Administrator pursued the development of a Source Water Protection Plan. While Eudora did not have any new imminent threats at that time, it was clear that the Kansas Highway 10 Corridor would continue to experience growth of some kind. Where this growth might occur was unclear, but the development of a plan would likely help guide that growth to the best locations possible. The Source Water Assessments required by the Safe Drinking Water Act were still relatively new and a protection plan was the next logical step.

The Kansas Rural Water Association was asked to coordinate the development effort and to draft a plan for consideration by the city council. The city's wellfield west of town in the Kansas River floodplain was inventoried for potential contamination sources and protection area boundaries were established. In addition to identifying different the potential threats and the need to educate the persons responsible for them, the city desired to make the protection area boundaries a matter of public record. They asked the Douglas County Planning and Zoning Department to establish the protection area on their

zoning maps. The matter was recommended for approval by the Lawrence-Douglas County Planning Commission and was approved by the Board of Douglas County Commissioners in 2007. The Eudora Source Water Protection Area was officially adopted!

Who is Eudora?

Eudora is a town with a population of approximately 6,200 people. It is located in eastern Douglas County, tucked between the Kansas River on the north and Kansas Highway 10 on the south. Growth has been occurring south of K-10 Highway in recent years. While some might consider Eudora to be a bedroom community to Lawrence to the west and Kansas City to the east, it has been attracting retail establishments and other companies in recent years. Its first "permanent" settlers arrived in 1851, a full ten years before statehood. It is no doubt that the proximity of land above the floodplain but close the river was attractive to the founders.



This field in the foreground is a small part of the proposed Penny's Concrete Company sand pit which could ultimately be nearly 300 acres in size. Equipment to support the current in-channel dredging operation and stockpiles of sand and gravel are in the background.

Past source water protection efforts

The Eudora Wellfield is located in the Kansas River valley, between the Kansas River, and the Wakarusa River which hugs the southern side of the valley. Consisting of four wells at the present time, water rights authorize the diversion of 227.77 million gallons per year (MGY) at a maximum rate of diversion of 2,230 gallons per minute (gpm). A nearby water right authorized for irrigation use has been generously donated to the city too, and will help meet water demands generated by the area's growth. Two other small capacity wells, located near the city, are used as standby wells.

The protection area described above is defined as the area within two miles of the municipal wells, south of the Kansas River, in Douglas County. There is land within two miles of the wells north of the river, but since it is in Leavenworth County, Douglas County has no zoning authority. This two-mile area corresponds to the original Zone C of the Source Water Assessment in Douglas County.

US Army Corps of Engineers' decisions

The Kansas River Valley, besides being a great source of water for municipalities, agriculture and industries, has also been an excellent source of aggregate for concrete. The aggregate – crystalline sand-and-gravel sized rock – is used to make strong concrete and is preferred in the Kansas City area for road and building construction. The Missouri River Valley also has sand and gravel resources, but it occasionally contains unacceptable amount of lignite, a soft form of coal. The premium grade of Kaw Valley sand is limited in quantity because of the very size of the river basin and the amount of water transporting the material downstream. Now complicating the availability of this aggregate are decisions by the US Army Corps of Engineers to restrict aggregate mining within the river itself, where unacceptable riverbed degradation has occurred. One such location is on the Kansas River in the vicinity of Eudora. Because of this restriction and probable future restrictions on in-channel dredging, it is likely that sand companies are continuously looking for properties in the valley where the most favorable gravel deposits and highway access are believed to be located.

More pits

In the last three years, two different companies have proposed that conditional use permits be issued to allow sand and gravel mining within the source water protection overlay zone. While Eudora's protection zone has been established geographically, no follow-up was taken to enact any restrictions on any activities within the protection zone. While better than having no zone at all, nothing is in the county regulations or long-term planning documents to restrict any hazardous activities that may be proposed near the wells.

The first sand pit proposed to be located within the protection area after its designation was on the site of a former, private, 9-hole golf course. The edge of the resulting



Douglas S. Helmke, L.G., Kansas Rural Water Association's Water Rights / Source Water Specialist, gave testimony to the Douglas County Board of Commissioners at their November 28, 2012, meeting at the Douglas County Courthouse. He described the possible risk of common surface water contaminants that could be introduced to the aquifer, possibly causing a change of Eudora's water classification to Groundwater Under the Influence of Surface Water.

pit would have been less than 1,100 feet from the closest Eudora well. After learning that the city would oppose the issuance of a conditional use permit for this pit, the application was withdrawn.

Penny's Concrete Company

In 2012, another off-stream sand dredging operation was proposed by Penny's Concrete Company. While this pit was proposed to be farther away with the potential edge of the final pit being about 7,500 feet from the closest municipal well, information was provided that a thick bed of gravel would be exposed on the sides of the pit below the water surface. The location of this pit was also in the City of Eudora Wellhead Protection Area.

Eudora response

Logs of completed wells in the area indicate that there are layers of large gravel in the aquifer, and one such log describes 15 feet of "large gravel". If the size of the material in these beds is accurately described, and if the material is well sorted (meaning that small to medium sized grains of sand do not fill the pore spaces), the velocity of the water flow through these layers could be exceptional under the "right" conditions. This flow could be so exceptional that relatively no filtration is provided and that the water flow could be measured in many hundreds of feet per day or more. The applicant's consultant provided information that the flow direction of groundwater in the aquifer was such that the Eudora wells would not intercept groundwater that may be recharged from the pit, so it was unnecessary to do

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any further evaluation of the groundwater flow properties. The city's consultant and a landowner near the pit location (who also happens to hold a PhD. in Geology and enjoyed a long career of researching and teaching groundwater properties), argued that more recent data was available that suggested the flow of groundwater from the pit to the wellfield could occur. KRWA explained that if water from the pit reached the Eudora wells, and it contained biological contaminants commonly found in surface water, then regulatory agencies would likely reclassify the source of water as being groundwater under the influence of surface water. If that would happen, the city of Eudora would have to construct a water treatment plant capable of treating surface water, or purchase water from another supplier with the capacity to serve them. It was the city's opinion that until a comprehensive study was conducted with consideration of the worst-case conditions, it was unreasonable to issue the proposed conditional use permit.

The natural hydrologic conditions of the Kansas River valley aquifer is relatively simple to understand. Rainfall on the floodplain, that didn't run off directly to the river, soaked into the soil and recharged the underlying aquifer. Water from the aquifer, if it was at a level higher than the water level in the river, moved toward the lowest level of the valley which was the river, and sustained the flow even during dry times. With the upstream reservoirs now

The natural hydrologic conditions of the Kansas River valley aquifer is relatively simple to understand.

regulating the flow on the river, and with groundwater withdrawals from many wells within the valley, the interaction of the aquifer and the river is far from a natural state and is now much less predictable. One worst-case scenario that should be considered is one with large irrigation and municipal demand for the aquifer's groundwater.

Lowering of the water table by high-capacity wells can significantly reduce the discharge of groundwater into the river. If these high-capacity wells are operating at the same time that reservoirs have created a bank-full condition on the river, the river could then be a significant recharge source. A pit, close to a nearly flooding river, that is directly connected to the aquifer probably would have a significant contribution to the aquifer. If there are constituents commonly found in surface water being introduced to the aquifer, a public water system's source of supply should be considered to be under the influence of surface water.

Conclusion (if possible!)

At the first hearing on this matter at the joint meeting of the Eudora Planning Commission and the Lawrence-Douglas County Planning Commission, the Eudora Commission voted four to one to recommend denial of the conditional use permit. The Lawrence-Douglas County Commission voted 4-3 to recommend approval of the conditional use permit. The Douglas County Board of Commissioners heard the matter a month later but was

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uncomfortable deciding if one consultant was more correct than another. Before ending the meeting at 11:45 P.M., the County Public Works Department was asked to find another independent consultant to review the reports and give the commissioners a third opinion on the project.

In the meantime, it was discovered that some of the parties which were required to be notified of the original planning commission hearing did not receive their notification. The matter of the conditional use permit was returned to the Lawrence-Douglas County Planning Commission and the hearing was reopened. The third-party consultant explained that it was impossible to choose which of the various groundwater flow predictions was correct based on the very limited information available. The consultant explained that they would need approximately three months to determine how long a comprehensive evaluation might take, but that a year of data gathering was probably the minimum. The city of Eudora City Administrator stated that a conditional use permit should not be issued until the study was completed showing that the proposed pit would not affect the groundwater quality of the wellfield. Local residents raised issues about noise, mobilization of contaminants, traffic, the permanent loss of prime soils, lack of groundwater data and the appearance that the pit owner would have no liability for any problems created by the pit. It was stated by one resident of Eudora that it would be unfair to the residents of Eudora to pay for a

If the next proposed sand dredging operation doesn't negatively affect some public water system's water supply, the next one after that probably will.

new water treatment plant if the pit caused one to be required. One resident asked a rhetorical question regarding wellhead protection if the pit was in the protection area. He saw no evidence that any consideration was being given to this.

At the end of the hearing, the Eudora Planning Commission voted four to none to recommend denial of the conditional use permit application. After discussion and explanation of how they would likely vote, the Lawrence-Douglas County Planning Commissioners voted on a motion to defer the application for a period of time to review the coming report of the third-party consultant. This motion failed. A motion was then made to recommend denial of the application to the Board of County Commissioners and it passed four to three. The Board of County Commissions is scheduled to make a final decision on February 27, 2013.

One of the reasons given by one commissioner for voting for denial of the permit was that the current comprehensive plan identifies five locations for potential sand pits in Douglas County. Without knowing if any of those four locations are better than the proposed one, a vote for this location was not possible.

The city of Eudora (and the other public water systems along the valley) didn't win anything in this fight, even if Douglas County denies the application. If anything, the fight for resources was only moved to a different battlefield. If the next proposed sand dredging operation doesn't

negatively affect some public water system's water supply, the next one after that probably will. These alluvial groundwater supplies must be protected, if water systems want to operate as they have in the past. The smaller groundwater systems without surface water treatment capabilities have the highest vulnerability to losing their inexpensive water supplies.

KRWA is ready to be of assistance to any community or water district to help evaluate potential sources of contamination to their groundwater supplies. Give us a call or you may email me directly at dhelmke@krwa.net.

Douglas S. Helmke has been the Water Rights Tech at KRWA since June 2000, and also a Wellhead / Sourcewater Protection Tech since 2003. He holds professional geologist certification in Kansas and Missouri. Doug received a B.S. degree in geology from Kansas State University.



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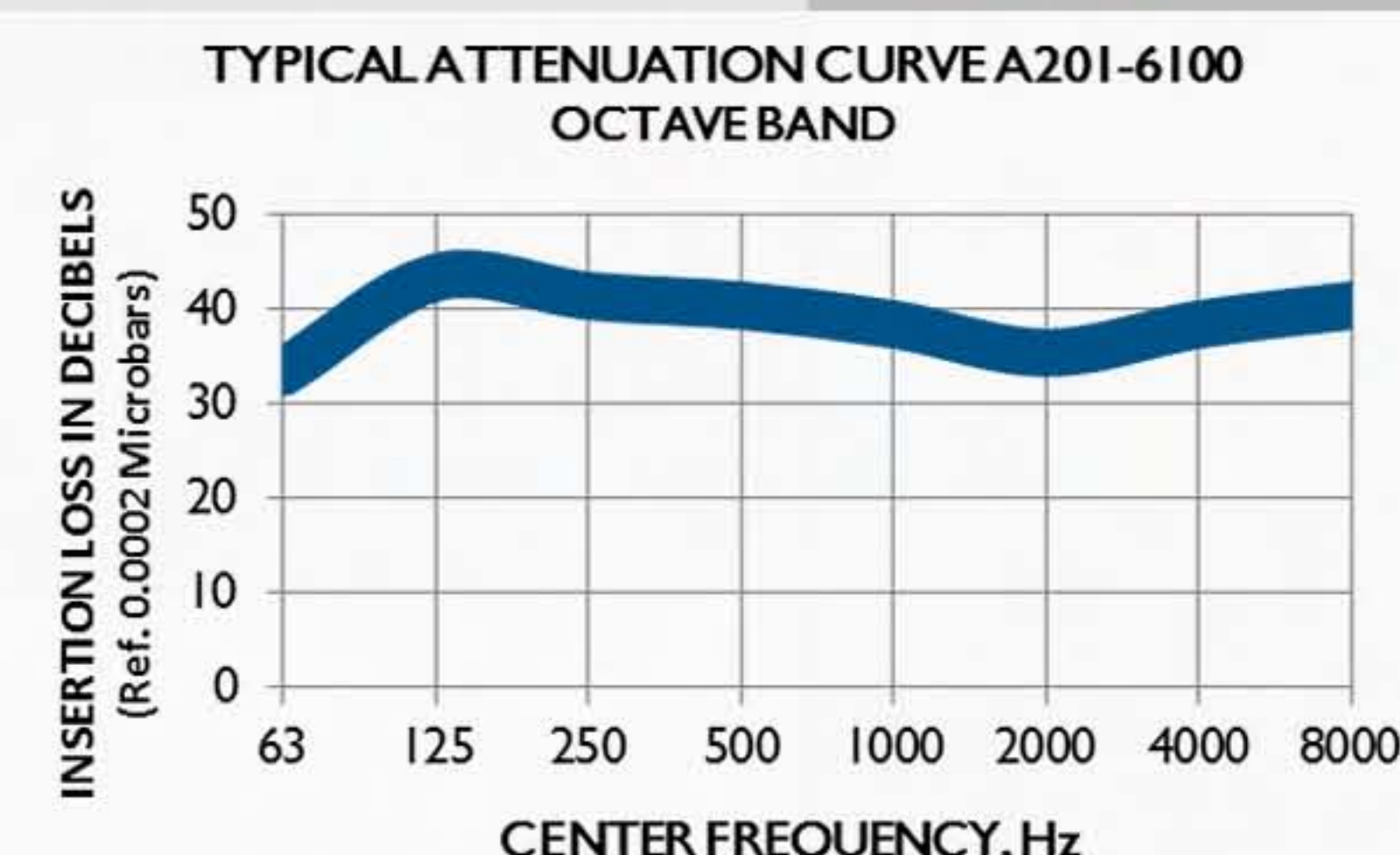
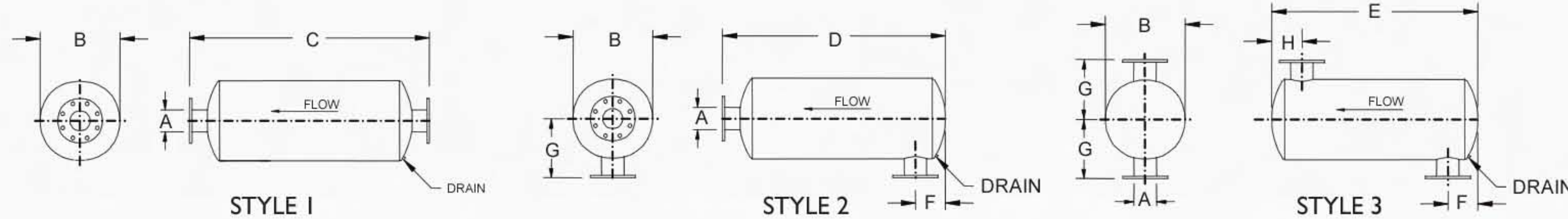
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Part Number	A Inlet Size	B Dia	C OAL - 1	D OAL - 2	E OAL - 3	F (min)	F (max)	G Flange Center	H (min)	H (max)	WT (lbs)
A201-6102	2	10	30	27	24	4	8	8	4	7	33
A201-61025	2.5	10	42	39	36	5	15	8	5	11	46
A201-6103	3	12	43	40	37	5	15	9	5	11	58
A201-61035	3.5	14	55	52	49	6	21	10	6	16	92
A201-6104	4	14	55	52	49	6	21	11	6	16	92
A201-6105	5	16	62	58	54	7	23	12	7	17	118
A201-6106	6	20	75	71	67	8	30	14	8	22	184
A201-6108	8	24	76	72	68	10	30	16	10	21	283
A201-6110	10	28	100	96	93	11	42	18	11	22	499
A201-6112	12	36	102	99	95	14	40	22	14	33	749
A201-6114	14	36	138	135	132	15	61	22	15	46	1021
A201-6116	16	42	140	137	133	16	60	25	16	46	1243
A201-6118	18	48	142	139	135	18	59	29	18	46	1541
A201-6120	20	48	165	162	159	19	72	29	19	55	1773
A201-6122	22	54	166	163	161	21	71	32	21	52	2045
A201-6124	24	60	167	164	162	23	70	35	23	55	2335

Standard Construction:

- Heavy duty steel construction
- Horizontal or Vertical Mounting
- High heat powder coat (8" & under)
- Powder Coat Warranty: 3 years
- High heat black (10" & higher)
- High Heat Paint Warranty: 1 year
- Cuff inlet/Tube outlet (6" & Under)
- ANSI Flanges on Inlet & Outlet (8" & Larger)

Options:

- Stainless steel
- Aluminized
- Inlet and Outlet Connections
- Inlet and Outlet Locations
- Silencer Length & Diameter
- Air Leak Tests

Accessories:

- A full complement of accessories are listed on the reverse side and at: www.gtexhaust.com

* Dimensions in inches. Dimensions are nominal and may vary slightly with production models.

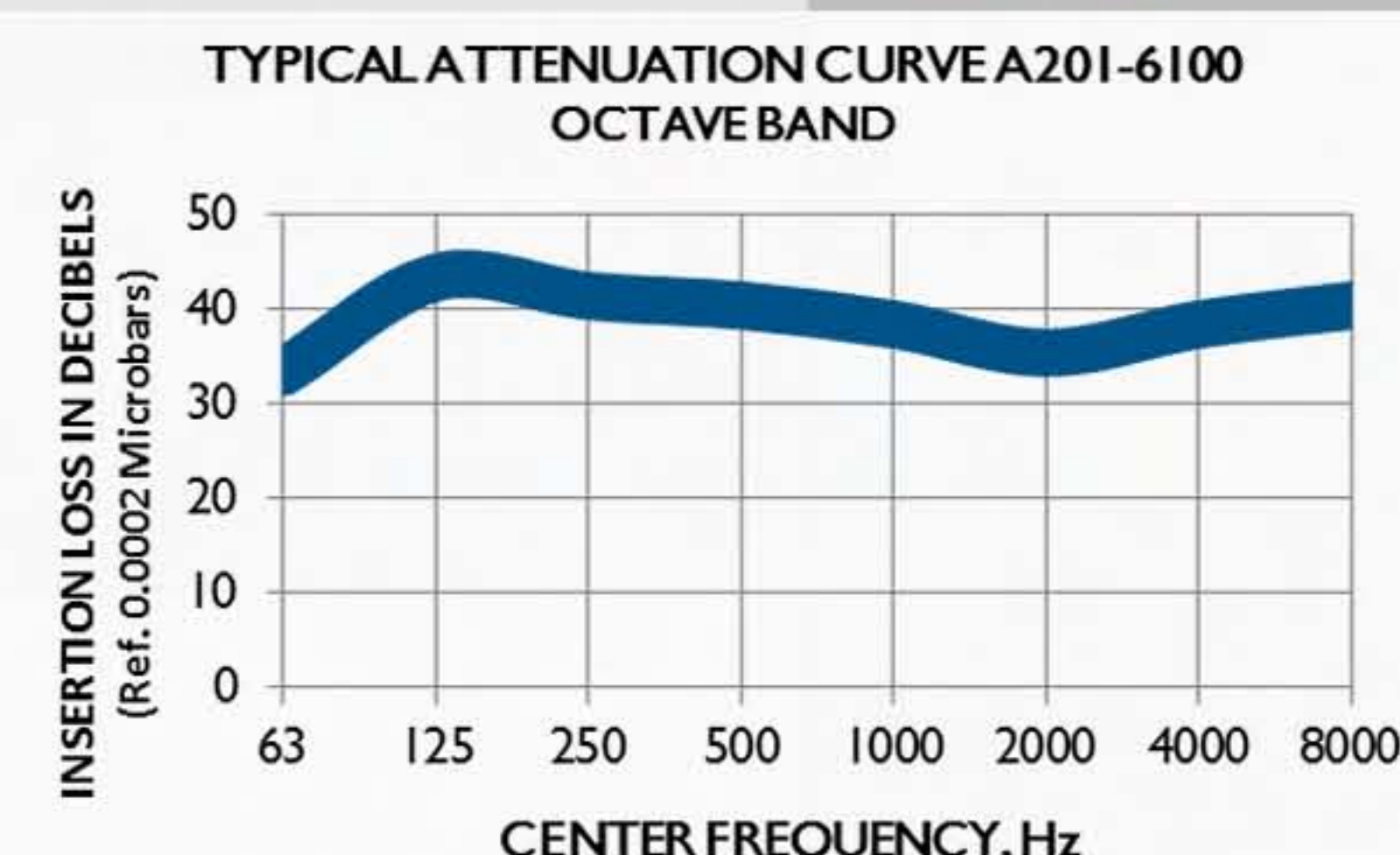
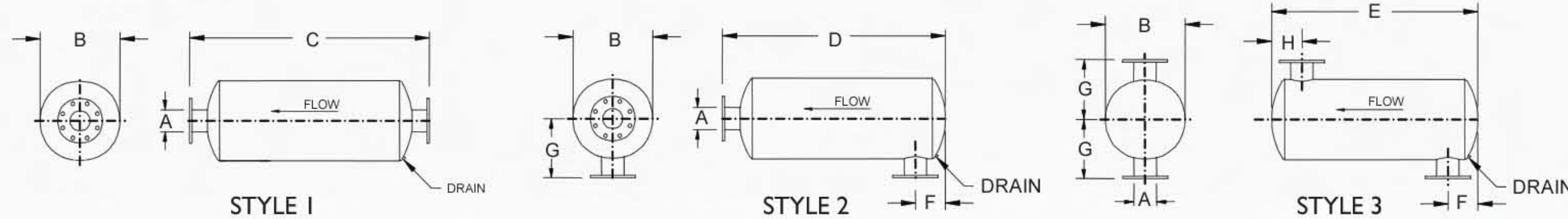
* Request certified drawings for exact dimensions.

Ref. #: PDS-201208-A201-6100-02



32-42 dB(A) Super Critical Grade

Excellent superior critical grade silencer providing a premium level of performance where ambient noise levels are very low and optimal attenuation is mandatory. Recommended for all marine, stationary, and mobile, power applications where noise attenuation is critical. The standardized A201-6100 is a cost competitive offering, while improving performance by up to 3% and reducing silencer body volume by an average of 31%.



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Ref. #: PDS-201208-A201-6100-02



March 11, 2013

Douglas County Commission

1100 Massachusetts Street,
Second Level,
Lawrence, KS 66044

Douglas County Commissioners,

At the Feb. 27 meeting, after it was clear that some form of the Penny Sand Pit CUP was going to be approved, I asked you as County Commissioners to provide some more substantial protection for my house and property. I drew some 500 foot setbacks on the site plan and gave it to Mary Miller and asked that they be incorporated into the additional conditions for approval. Today about noon I received a new site plan that is going to be submitted to the March 13 meeting for approval. It did show a 500 foot setback on the North of my property but less than that on the East and South. I ask that you require a 500 foot setback from my property on all sides.

My house has been here since 1919 and I have lived here 37 years. I predate Penny Sand activity out here by many years. I ask that you give me this 500 foot buffer to preserve to some extent the open rural environment I have come to expect and to protect me from the noise and dust this activity will produce. Considering the dramatic impact on my property this activity will have, this 500 foot setback is not too much to ask. I have shown the 500 foot setback on the new site plan (next page) and it does not dramatically affect Penny Sand activity. Thank you for your consideration in this matter.

Carl McElwee
1564 E. 1850 Rd.
Lawrence, KS 66046

