

# BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Amended agenda 10-02-13

## WEDNESDAY, OCTOBER 2, 2013

4:00 p.m.

- Consider approval of a proclamation declaring October 6-12, 2013, as "National 4-H week in Douglas County."
  - Jillian Rodrigue to be presented with the KS Emergency Management Professional of the Year award by Garry Berges, Geary County, President of the Kansas Emergency Management Association.

## CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Consider approval for Public Works to purchase 42,000 pounds of crack seal material at \$0.612/pound (Total \$25,704) (Keith Browning);
- (c) Consider approval to add to CIP a channel restoration project at Structure No. 05.54N-17.50E

## REGULAR AGENDA

- (2) Consider approval of a Temporary Business Use Permit for Donna Wingert for retail sale of dried fruit & nuts (Linda Finger)
- (3) Consider approval to adopt Joint City Resolution No. 7045/County Resolution No., establishing a steering committee to oversee and guide the review and updating of *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County; and authorizing the Chair to appoint steering committee members as noted in the resolution. (Scott McCullough)
- (4) Executive Session for the purpose of consultation with County Counselor on matters, which would be deemed, privileged under the attorney-client relationship. The justification is to maintain attorney client privilege on a matter involving Douglas County.
- (5) (a) Consider approval of Accounts Payable (if necessary)
  - (b) Appointments
  - (c) Public Comment
  - (d) Miscellaneous
- (6) Adjourn

## WEDNESDAY, OCTOBER 9, 2013

4:00 p.m.

- Proclamation declaring October 13-19, 2013 as "LiveWell Week." - Chris Tilden

### **Consent**

Consider acceptance of dedication and vacation of rights-of-way and easements associated with **MS-13-00367**, Prospect Farm, a Minor Subdivision Replat of part of Lots 1-12, Block 39, Lots 1-3, 7-12, Block 40, and Lots 11-12, Block 41, Clinton City, Douglas County, Kansas. Submitted by Bartlett and West. for Janet S Mills, Executor for the Estate Of Jesse Herman Hess, deceased, property owner of record. (Mary Miller)  
-Authorize the County Administrator to execute a license agreement with the City of Lawrence to install a pole-mounted siren within the East Hills Drive right-of-way for the purposes of providing emergency services and protecting the health, safety, and welfare of residents of the County.(Scott McCullough)

### **Regular**

**6:35 p.m.**

**-CUP-13-00281:** Conditional Use Permit for a water treatment plant to produce water for Public Wholesale Water Supply District No. 25, located ¼ mile east of the intersection of E 1750 Rd and N 1500 Rd. Submitted by Public Wholesale Water Supply District No. 25, property owner of record. (PC Item 3; approved 10-0 on 9/23/13) Mary Miller will present the item.

-Consideration of Agritourism Assembly at KC Pumpkin Patch in Douglas County, 157 E 2300 Rd, Wellsville, KS as deferred from the September 11, 2013 meeting. (Linda Finger)

**WEDNESDAY, OCTOBER 16, 2013**

**WEDNESDAY, OCTOBER 23, 2013**

**WEDNESDAY, OCTOBER 30, 2013**

**WEDNESDAY, NOVEMBER 6, 2013**

-Discussion of various planning related items (Linda Finger)

**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.*



# PROCLAMATION

## NATIONAL 4-H WEEK IN DOUGLAS COUNTY OCTOBER 6-12, 2013

**WHEREAS**, 4-H youth across the nation are keeping it green by leading efforts to solve problems in their communities, raise awareness about environmental issues, and make a difference for their futures; and

**WHEREAS**, 4-H is one of the largest youth development organizations in Kansas and the largest in the nation with over six million young people; and

**WHEREAS**, 4-H in Douglas County, Kansas claims more than 420 members and more than 175 volunteers; and

**WHEREAS**, 4-H, as part of the Kansas State University Research and Extension, is a program where youth learn through opportunities that provide them hands-on experiences in 4-H's mission mandates of science, engineering and technology; healthy living and citizenship; and

**WHEREAS**, 4-H has connected youth and their communities with the innovative research and resources from our nation's 106 land-grant universities and colleges for more than 100 years.

**NOW, THEREFORE**, the Board of County Commissioners of Douglas County, Kansas, proclaims the week of October 6-12, 2013, as

### **National 4-H Week in Douglas County**

and urges the people of this community to take advantage of the opportunity to become more aware of this special program that enhances our young people's interests in their futures as part of Douglas County 4-H Youth Development and to join us in recognizing the unique partnership between our county and our state University System.

**ADOPTED** this 2<sup>nd</sup> day of October, 2013.

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

---

*Mike Gaughan, Chairman*

---

*Nancy Thellman*

---

*Jim Flory*



## DOUGLAS COUNTY PUBLIC WORKS

1242 Massachusetts Street  
Lawrence, KS 66044-3350  
(785) 832-5293 Fax (785) 841-0943  
dgcopubw@douglas-county.com  
www.douglas-county.com

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

---

### MEMORANDUM

TO: Board of County Commissioners

FROM: Keith A. Browning, P.E., Public Works Director/County Engineer  
Doug Stephens, Operations Division Manager

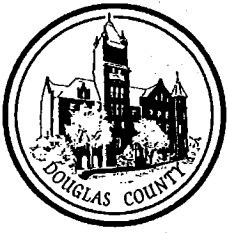
Date: September 23, 2013

RE: Consent Agenda approval of annual purchase of crack seal material

We received a quote from PMSI (Paving Maintenance Supply, Inc.) to furnish Douglas County 42,000 pounds of crack seal material at \$0.612/pound. This is a routine purchase that is done annually. We have tried several other materials over the last 20 years and found this material to be the most durable, easiest to apply and allows us to turn traffic over faster. Sealing cracks is one of the most important preventative maintenance techniques used by Public Works on hard surfaced roads.

Sufficient funds are available in Road and Bridge Fund 201 Line Item 71222.

Action Required: Consent agenda approval for Public Works to purchase 42,000 pounds of crack seal material at \$0.612/pound (Total \$25,704).



## DOUGLAS COUNTY PUBLIC WORKS

1242 Massachusetts Street  
Lawrence, KS 66044-3350  
(785) 832-5293 Fax (785) 841-0943  
dgcopubw@douglas-county.com  
www.douglas-county.com

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

---

### MEMORANDUM

To : Board of County Commissioners

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

Date : September 30, 2013

Re : Consider approval to add channel restoration project to CIP  
Channel restoration at Structure No. 05.54N-17.50E

We received approval for a \$75,000 grant from US Fish & Wildlife Service (USFWS) to purchase a pre-cast structure to replace the referenced structure located at approximately 554 E 1750 Road. The grant is being provided to improve the ability of aquatic organisms to move upstream through the culvert. The channel downstream of the culvert is severely incised, such that the channel flowline at the outlet of the culvert is approximately 12' below the culvert flowline. If this continues, it threatens the structure.

Rather than replacing the box culvert, which is in relatively good condition, we plan to restore the downstream channel. With guidance from USFWS, we have prepared plans to restore the channel. This involves a large amount of rock fill and construction of rock vanes that direct flow to the center of the channel rather than along the edges. Even though we no longer plan to replace the structure, the USFWS has approved using the \$75,000 grant towards the channel restoration project.

We estimate out-of-pocket construction costs for the channel restoration project will be approximately \$98,300. Out-of-pocket construction costs include the purchase of shot rock, large boulders and other materials, and the cost to hire dump trucks and operators to help haul the large quantity of rock required for the project. In addition, approximately \$15,000 may be needed for acquisition of permanent drainage easement and damages. With the \$75,000 grant, this would be approximately \$38,300 in county monies.

We did not put this project in the CIP because the grant would have paid for the pre-cast replacement structure, and we planned to do the work in-house. We request authorization to add another bridge project and pay for costs out of the CIP. In order to provide some contingency, we request \$50,000 be allocated to this project. Adequate funds are available in the CIP from cost under-runs on other bridge projects.

Action Required: Approval to add to the Capital Improvement Program a project to restore the channel downstream of Structure No. 05.54N-17.50E.



## DOUGLAS COUNTY ZONING & CODES DEPARTMENT

2108 W 27<sup>th</sup> Street, Suite I  
Lawrence, Kansas 66047-3168  
(785) 331-1343 Fax (785) 331-1347

---

### MEMORANDUM

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

FROM: Linda M. Finger, Interim Director, Zoning & Codes Department

DATE : September 20, 2013

RE : Temporary Business Use Permit - Donna Wingert Retail Sale of Dried  
Fruit & Nuts

Mrs. Donna Wade Wingert has made application for a Temporary Business Use Permit for the operation of a Flea Market to allow the retail sale of dried fruit and nuts on her property.

The proposed hours of operation will be from 7:30 A.M. to 6:30 P.M., from October 20 through December 15th, 2013.

The proposed location of the temporary business permit would be in Mrs. Wingert's accessory building, located at her residence, 693 E 1250 Road, Lawrence, Kansas. It is anticipated the parking area would be sufficient for approximately 20 parking spaces and space available for 200 plus vehicles on a gravel surface.

The following have been notified with regard to this request, Douglas County Sheriff's Department, Douglas County Health Department, Willow Springs Township and adjoining property owners within 1,000 feet.

**STAFF RECOMMENDATION:** APPROVAL, with a special notation that Mrs. Wingert has conducted this activity since 2001 and has complied with all zoning regulations and building code requirements.

# Memorandum

## City of Lawrence / Douglas County Planning and Development Services

**TO:** David L. Corliss, City Manager  
Craig Weinaug, County Administrator

**FROM:** Scott McCullough, Director

**Date:** September 25, 2013

**RE:** *Horizon 2020 -Update Process*

*Horizon 2020* is the comprehensive plan for the city of Lawrence and unincorporated Douglas County. A comprehensive plan expresses a community's desires about the future image of the community. It provides the foundation and framework for making physical development and policy decisions. The planning process for *Horizon 2020* was initiated in 1991 and after years of public involvement, it was adopted in 1998. While the adoption of the plan was adopted 15 years ago, it has been continuously amended to address changing trends and beliefs about development in the community. Additionally, the plan undergoes an annual review.

### **Planned Community Review of *Horizon 2020***

Because *Horizon 2020* has been continuously amended to address changing conditions since its adoption, a major rewrite of the plan is not necessary, in staff's opinion. The recently added and amended chapters and sector plans of the plan were developed with significant public input and compromises. The basic tenets of the plan are sound, but there is opportunity to confirm certain concepts or discuss new trends and concepts for future growth and development.

To achieve this, and as identified on the 2013 Long-Range Planning Work Program, staff intends to complete a series of meetings to inform the public on the plan's concepts and also receive input as to what revisions should be pursued by the Planning Commission. Staff does not anticipate hiring a consultant to comprehensively overhaul the plan. Much of the technical and demographic data in the plan will be revised during this process so that the plan is able to serve the community in guiding future growth. This effort will produce an updated plan that is aligned with the wastewater and water master plans, T2040 (the metropolitan transportation plan), and other plans the city uses to guide growth and development.

### **Proposed Update Process**

Staff is proposing a three phase plan for the update of *Horizon 2020*. Staff recommends that a steering committee, as outlined below, guide the development of the plan update and complete their charge by April 1, 2015.

- Suggested composition of the steering committee (10)
  - Co-chairs (City Commissioner and County Commissioner)
  - 1 Planning Commission representative – City appointee
  - 1 Planning Commission representative – County appointee
  - 1 USD 497 representative – USD 497 appointee
  - 1 Real estate/Development community representative – City/County shared appointee
  - 1 Neighborhood representative – City appointee
  - 1 Business community representative – County appointee
  - 1 At-large city representative – City appointee
  - 1 At-large county representative – County appointee

#### Phase 1 – Public Education and Issue Identification

- Conduct a series of public meetings to educate and to identify issues
- Known issues:
  - Update demographics to current data
  - Updated Urban Growth Areas (UGA) align with sector plans
  - Update the format of the document to be consistent throughout and user friendly
  - Commercial areas – compact, pedestrian friendly, mixed use, walkable, locations in unincorporated centers
  - Incorporate 2012 utilities master plans findings and recommendations
  - Change the name of the plan
- Review goals and strategies of the plan
- Tools to gather public input
  - Conduct a web survey to identify issues
  - Use social media to request comments
  - Use comment cards at public meetings
  - Provide contact and updates via listserv

#### Phase 2 – Issue Prioritization

- Steering committee
  - Determine the issues as identified in the public meetings to address in the plan

#### Phase 3 – Draft Plan

- Review and guide the processing of plan amendments through the Planning Commission, City Commission and Board of County Commission

#### **Action Requested**

Confirm process, adopt the joint City-County Resolution (Nos. 7045/\_\_\_\_) and appoint steering committee members.



**CITY RESOLUTION NO. 7045**

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

**A JOINT RESOLUTION OF THE CITY OF LAWRENCE, KANSAS, AND DOUGLAS COUNTY, KANSAS, APPOINTING A STEERING COMMITTEE TO GUIDE THE PROCESS FOR AMENDING *HORIZON 2020*, THE COMPREHENSIVE PLAN FOR THE CITY OF LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY.**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, AND BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:**

**SECTION 1.** The Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, hereby find that *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, is in need of a comprehensive public review and an updating and that a Steering Committee is necessary to oversee and guide that process.

**SECTION 2.** The Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, do hereby establish a Steering Committee to oversee and guide the review and updating of *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, and the Steering Committee shall have the following composition (appointed by the noted authorities):

- Co-chairs (City Commissioner and County Commissioner)
- 1 Planning Commission representative – City appointee
- 1 Planning Commission representative – County appointee
- 1 USD 497 representative – USD 497 appointee
- 1 Real estate/Development community representative – City/County shared appointee
- 1 Neighborhood representative – City appointee
- 1 Business community representative – County appointee
- 1 At-large city representative – City appointee
- 1 At-large county representative – County appointee

**SECTION 3.** The Steering Committee, as appointed, shall be charged with overseeing and guiding the process, as generally described in the Phasing outline below, including public education and issue identification, prioritization of issues to submit to the Lawrence-Douglas County Metropolitan Planning Commission and the Governing Bodies of the City and County for review, and for reviewing the draft and final plan product. The Steering Committee shall remain intact until the plan update is completed and shall work to complete their charge by April 1, 2015. In the event that a member of the Steering Committee is unable or unwilling to complete his or her appointment, the original appointing authority shall appoint his or her replacement as soon as practicable.

**SECTION 4.** The process for reviewing and updating *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, shall follow generally, the following Phasing outline:

Phase 1 – Public Education and Issue Identification

- Conduct a series of public meetings to educate and to identify issues
- Known issues:
  - Update demographics to current data
  - Updated Urban Growth Areas (UGA) align with sector plans
  - Update the format of the document to be consistent throughout and user friendly
  - Commercial areas – compact, pedestrian friendly, mixed use, walkable, locations in unincorporated centers
  - Incorporate 2012 utilities master plans findings and recommendations
  - Change the name of the plan
- Review goals and strategies of the plan
- Tools to gather public input
  - Conduct a web survey to identify issues
  - Use social media to request comments
  - Use comment cards at public meetings
  - Provide contact and updates via listserv

Phase 2 – Issue Prioritization

- Steering committee
  - Determine the issues as identified in the public meetings to address in the plan

Phase 3 – Draft Plan

- Review and guide the processing of plan amendments through the Planning Commission, City Commission and Board of County Commission

**SECTION 5.** If any section, clause, sentence, or phrase of this joint resolution is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

**SECTION 6.** This joint resolution shall be in full force and effect upon its adoption by the Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, and publication as provided by law.

**ADOPTED** by the Governing Body of the City of Lawrence, Kansas, this \_\_\_\_ day of October, 2013.

**APPROVED:**

---

Michael Dever  
Mayor

**ATTEST:**

---

Jonathan M. Douglass  
City Clerk

**APPROVED AS TO FORM AND LEGALITY:**

---

Toni R. Wheeler  
City Attorney

**ADOPTED** by the Board of County Commissioners of Douglas County, Kansas, this \_\_\_\_ day of October, 2013.

---

Mike Gaughan  
Chair

---

Nancy Thellman  
Commissioner

---

Jim Flory  
Commissioner

**ATTEST:**

---

Jameson D. Shew  
County Clerk

\*\*\*\*\*  
**NOTICE TO PUBLISHER**

Publish one time and return one Proof of Publication to the City Clerk, one to the City Attorney, and one to the County Clerk.