

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, SEPTEMBER 3, 2014

6:35 p.m.

- Consider approval of a proclamation for "National Preparedness Month" (Teri Smith)
- Consider approval of a proclamation for declaring September 8 as "National Literacy Day." (Karen Wycoff)

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
 - (b) Consider Contract for a Chiller Replacement in the Judicial & Law Enforcement Center (David Sparkes);
 - (c) Consider approval of final plat of Douglas County public works addition No. 2 (Michael Kelly);
 - (d) Consider rejecting bids for contract for Project No. 2013-18, the rehabilitation of Route 1039 bridge over Washington Creek at Lone Star (Keith Browning); and
 - (e) Consider approval of total offer amount to landowners for acquisition of easement for Project No. 23C-4640-01 (Michael Kelly)

REGULAR AGENDA

- (2) Consider approval of a Temporary Business Permit to allow soil removal and regrading to be located at the southwest corner of HWY 40 & HWY 10 at approximately 867 HWY 40, Lawrence, KS. (Jim Sherman)
- (3) (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments
 - Board of Zoning Appeal (2) eligible for reappointment 10/2014
 - Building Code Board of Appeals (1) eligible for reappointment 12/2014
 - Fire District No. 1 – 12/2014
 - Jayhawk Area Agency on Aging Board of Directors – (2) vacancies
 - Jayhawk Area Agency on Aging Tri-County Advisory Council – (2) vacancies
 - (c) Public Comment
 - (d) Miscellaneous
- (4) Adjourn

WEDNESDAY, SEPTEMBER 10, 2014

WEDNESDAY, SEPTEMBER 17, 2014

WEDNESDAY, SEPTEMBER 24, 2014

WEDNESDAY, OCTOBER 1, 2014

WEDNESDAY, OCTOBER 8, 2014- light agenda, possible cancel

WEDNESDAY, OCTOBER 15, 2014

4:00 p.m.

-9 Del Lofts NRA request (Britt Crum-Cano)

WEDNESDAY, NOVEMBER 5, 2014

-proclamation for National Preparedness Month (Teri Smith)

WEDNESDAY, NOVEMBER 12, 2014-CANCELED

THURSDAY, NOVEMBER 13, 2014

-9:00 a.m. – General Election Canvass

WEDNESDAY, NOVEMBER 19, 2014

WEDNESDAY, NOVEMBER 26, 2014-CANCELED

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 PREPAREDNESS MONTH SEPTEMBER 2014

WHEREAS, National Preparedness Month is a nationwide effort held each September; and

WHEREAS, the goal of the eleventh annual National Preparedness Month is to increase public awareness about the importance of preparing for emergencies and to encourage individuals to take action; and

WHEREAS, no community is truly prepared for a disaster until every individual, family and business takes personal responsibility for preparedness; and

WHEREAS, the U.S. Department of Homeland Security, through its *Ready* campaign and Citizens Corps program, works with a wide variety of organizations, including local, state and federal government agencies and the private sector, to highlight the importance of emergency preparedness and to promote individual involvement through events and activities across the nation; and

WHEREAS, all Americans need to take some simple steps to prepare for emergencies, including making a family emergency plan, getting an emergency supply kit, being informed about local threats and getting involved in preparing their communities; and

WHEREAS, the flooding, straight-line winds, tornadoes, and drought conditions that affected both Kansas and Douglas County in 2014, illustrate the potential devastation to communities and highlight the importance of preplanning disaster response and sheltering operations;

NOW, THEREFORE, the Board of County Commissioners, of Douglas County, Kansas, do hereby proclaim the month of September, 2014 to be

“NATIONAL PREPAREDNESS MONTH”

in Douglas County and encourage citizens of Douglas County to join with citizens across the nation to ensure a community of citizens who are disaster aware and disaster prepared.

ADOPTED this 3rd day of September, 2014.

ATTEST:

Jamie Shew, County Clerk

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

Nancy Thellman, Chairman

Jim Flory, Vice-Chair

Mike Gaughan, Member



PROCLAMATION

NATIONAL PREPAREDNESS MONTH SEPTEMBER 2014

WHEREAS: There are over 796 million adults worldwide who lack the literacy skills needed to obtain good jobs or to actively participate in the education of their children; and it is estimated that more than 67 primary school aged and 74 secondary school aged students worldwide do not attend school and over 150,000 people in the state of Kansas over the age of 16 lack the ability to read or write.

WHEREAS: Altrusa International, Inc., an organization of executive and professional women committed to community service, has pledged to work toward worldwide literacy; and

WHEREAS: The community of Lawrence has residents of all ages, in every neighborhood, who are functionally illiterate; and

WHEREAS: Altrusa International, Inc., of Lawrence was the underwriting sponsor of the River City Reading Festival. They have supported New York Elementary School with a large donation of books, as well as, volunteers for elementary reading companions. Altrusa has given books to Women's Transitional Care Services (WTCS) and First Step House, along with annual scholarships for women. They have provided large print books and subscriptions to Lawrence Senior Services, newspaper subscriptions to Health Care Access, and have implemented the ongoing Newborn Book Project at Lawrence Memorial Hospital, and thereby encourages reading and the promotion of life-long literacy for the residents of Lawrence;

NOW, THEREFORE, the Board of County Commissioners of Douglas County, Kansas, do hereby proclaim September 8th, 2014 as

"INTERNATIONAL LITERACY DAY"

and urges all citizens of this community to continue working together in addressing literacy needs in Lawrence and Douglas County.

ADOPTED this 3rd day of September, 2014.

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

Nancy Thellman, Chairman

Jim Flory, Vice-Chair

Mike Gaughan, Member



DOUGLAS COUNTY ADMINISTRATIVE SERVICES

Division of Purchasing

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

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

FROM: Jackie Waggoner, Purchasing Director
Division of Purchasing

SUBJECT: Consider Contract for a Chiller Replacement in the Judicial & Law Enforcement Center

DATE: August 21, 2014

Funds have been allocated in the Capital Improvement Fund to replace a chiller in the Judicial & Law Enforcement Center.

The existing chiller is the original equipment when the building was built in 1976. One of the compressors has a bad oil pump which is causing it to operate at half of its capacity. The replacement equipment will be energy efficient and the refrigerant ozone friendly.

We solicited bids giving preference to the Carrier brand as the base bid, but allowed a deduct alternate to consider other brands of chillers. During a remodel in 2000 another chiller in this building was replaced with a Carrier model. Staff feels it is important to standardize our equipment to minimize inventory of spare parts, and to ensure staffs ability to maintain the equipment. In June PKMR Engineers was hired to help the County determine the model and specification needed to meet our requirements.

We solicited bids for the chiller replacement and received the following four responses:

Description	Foley Company	PCI Piping Contractors	BCI Mechanical	Chamber's Mechanical
Base Bid – Carrier Brand	\$171,966.00	\$149,100.00	\$126,842.00	\$124,738.83
Deduct Alternate #1	\$ 9,260.00	\$8,000 or \$4,500	NA	NA
Make for Alt. #1	York	York or McQuay	NA	NA
# of Days to Complete Installation	45 after equip. arrives	100 – Carrier 120 – York/McQuay	90	80 (by 10/31/14)

After reviewing the bids with PKMR Engineers and David Sparkes, it was determined that the low bid of \$124,738.83 was acceptable. Dave Sparkes will be available at the commission meeting to answer questions.

To accommodate for any unknown expenses or circumstances that could increase our cost, we are asking you to provide the Assistant County Administrator with the authority to approve change orders up to 5% (\$6,236.94) of the total cost.

RECOMMENDATION: The Board of County Commissioners accepts the low bid and approves a contract with Chamber's Mechanical in the amount of \$124,738.83, and authorizes the Assistance County Administrator to approve change orders up to 5% of that amount.



DOUGLAS COUNTY PUBLIC WORKS

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

MEMORANDUM

TO : Douglas County Commission

FROM: Keith A. Browning, P.E., Director of Public Works/County Engineer
Michael D. Kelly, P.S., County Surveyor

DATE : August 22, 2014

RE : Approve Final Plat of "Douglas County Public Works Addition No. 2"

As you are aware the new public works facility required platting as part of the process to develop the property. Plans for the facility involve a fuel sharing arrangement with the Kansas Department of Transportation and a separate site with ownership by the state. To that end the public works site has been surveyed and platted as two (2) lots and the plat has been named the Douglas County Public Works Addition No. 2. Please see the attached plat.

The plat is ready to be signed by the owner of the property, i.e., the chair of the County Commission, so it can be submitted to the planning department for final approval.

ACTION REQUIRED: Authorize the County Commission chair to sign the final plat of Douglas County Public Works Addition No. 2.

DOUGLAS COUNTY PUBLIC WORKS ADDITION NO. 2

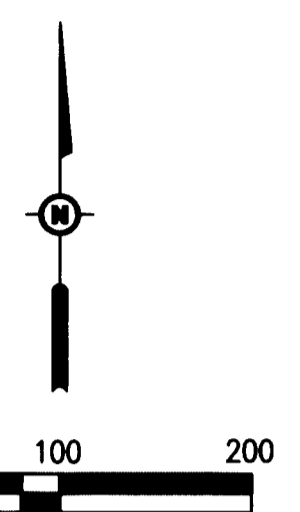
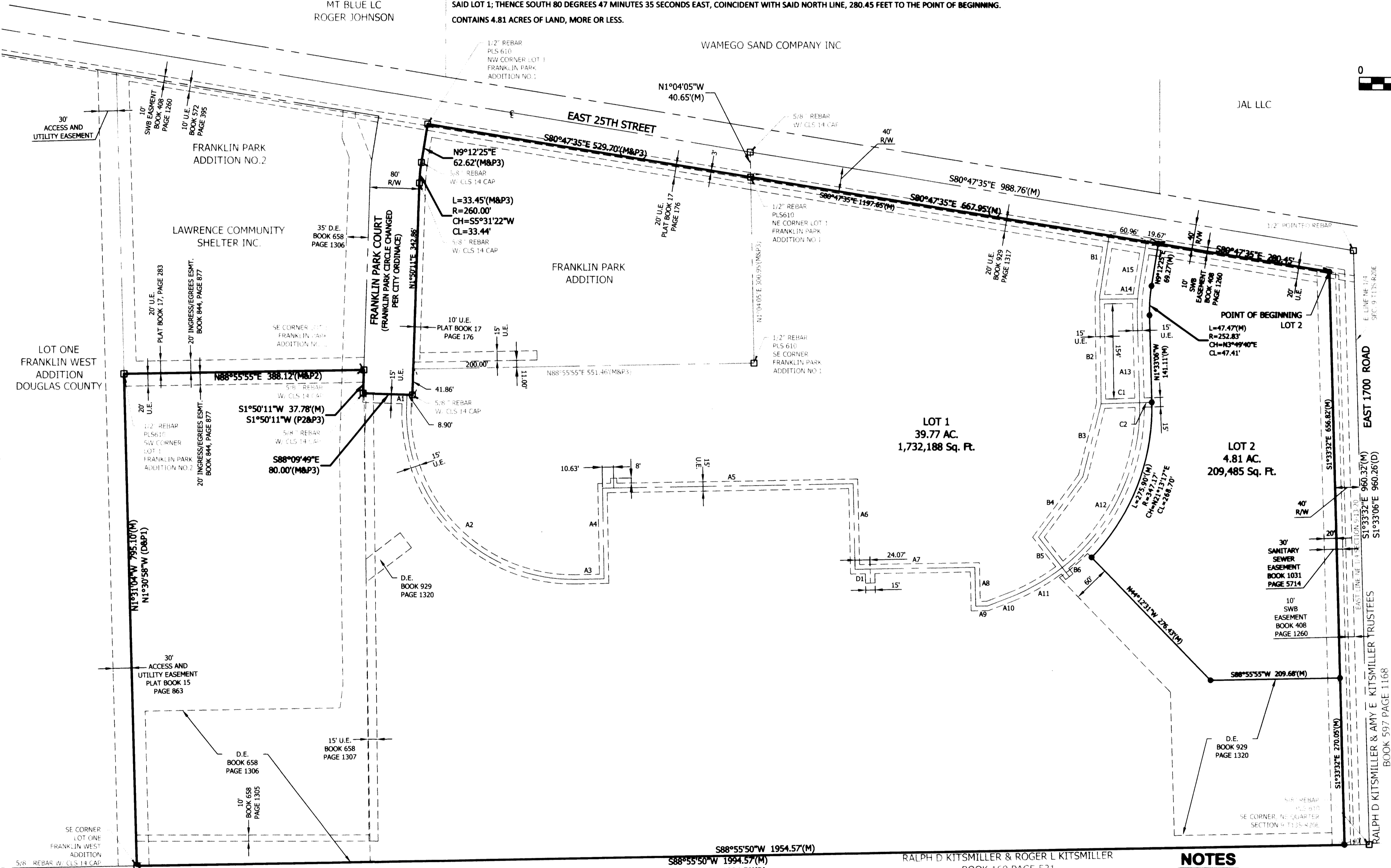
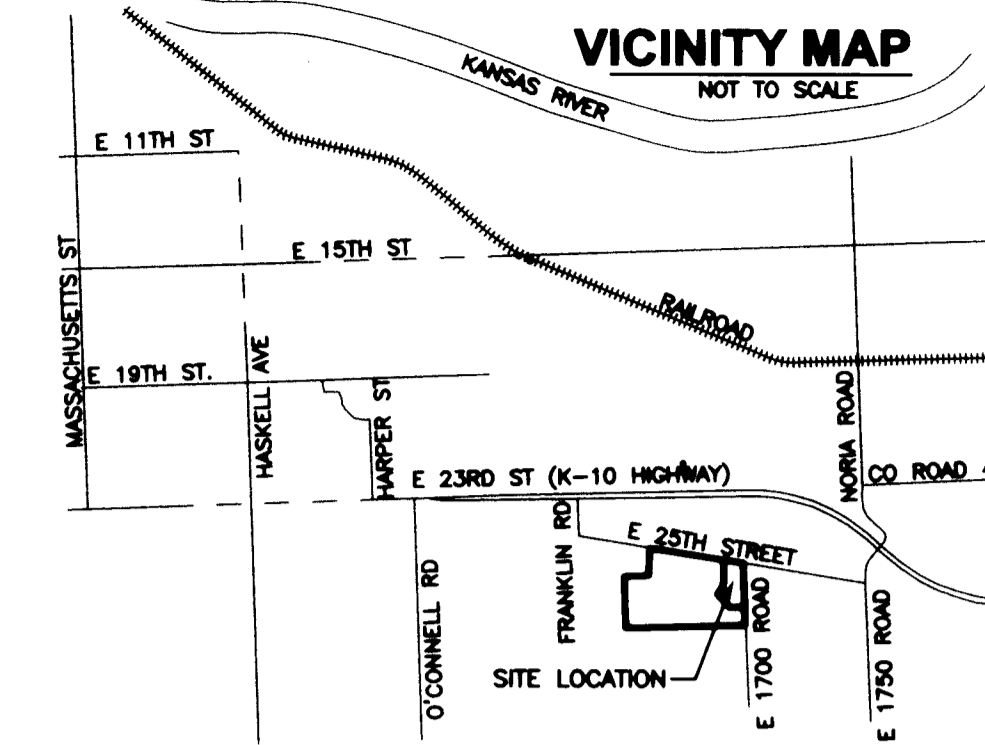
A MINOR SUBDIVISION/REPLAT OF LOT 1, DOUGLAS COUNTY PUBLIC WORKS ADDITION, A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 13 SOUTH, RANGE 20 EAST, CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

DESCRIPTION LOT 1:

LOT 1, DOUGLAS COUNTY PUBLIC WORKS ADDITION, IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH P.M., CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, EXCEPT THE FOLLOWING TRACT:
 BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, DOUGLAS COUNTY PUBLIC WORKS ADDITION; THENCE SOUTH 1 DEGREE 33 MINUTES 32 SECONDS EAST, COINCIDENT WITH THE EAST LINE OF SAID LOT 1, 656.82 FEET; THENCE SOUTH 88 DEGREES 55 MINUTES 55 SECONDS WEST, 209.68 FEET; THENCE NORTH 44 DEGREES 12 MINUTES 31 SECONDS WEST, 276.43 FEET; THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 347.17 FEET, A CHORD BEARING NORTH 21 DEGREES 13 MINUTES 17 SECONDS EAST, A CHORD DISTANCE OF 268.70 FEET, AN ARC LENGTH OF 275.90 FEET; THENCE NORTH 1 DEGREE 33 MINUTES 06 SECONDS WEST, 141.11 FEET; THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 252.83 FEET, A CHORD BEARING NORTH 3 DEGREES 49 MINUTES 40 SECONDS EAST, A CHORD DISTANCE OF 47.41 FEET, AN ARC DISTANCE OF 47.47 FEET; THENCE 9 DEGREES 12 MINUTES 25 SECONDS EAST, 69.27 FEET TO THE NORTH LINE OF SAID LOT 1; THENCE SOUTH 80 DEGREES 47 MINUTES 35 SECONDS EAST, COINCIDENT WITH SAID NORTH LOT LINE, 280.45 FEET TO THE POINT OF BEGINNING.
 CONTAINS 39.77 ACRES OF LAND, MORE OR LESS.

DESCRIPTION LOT 2:

A PORTION OF LOT 1, DOUGLAS COUNTY PUBLIC WORKS ADDITION, IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH P.M., CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, DOUGLAS COUNTY PUBLIC WORKS ADDITION; THENCE SOUTH 1 DEGREE 33 MINUTES 32 SECONDS EAST, COINCIDENT WITH THE EAST LINE OF SAID LOT 1, 656.82 FEET; THENCE SOUTH 88 DEGREES 55 MINUTES 55 SECONDS WEST, 209.68 FEET; THENCE NORTH 44 DEGREES 12 MINUTES 31 SECONDS WEST, 276.43 FEET; THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 347.17 FEET, A CHORD BEARING NORTH 21 DEGREES 13 MINUTES 17 SECONDS EAST, A CHORD DISTANCE OF 268.70 FEET, AN ARC LENGTH OF 275.90 FEET; THENCE NORTH 1 DEGREE 33 MINUTES 06 SECONDS WEST, 141.11 FEET; THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 252.83 FEET, A CHORD BEARING NORTH 3 DEGREES 49 MINUTES 40 SECONDS EAST, A CHORD DISTANCE OF 47.41 FEET, AN ARC DISTANCE OF 47.47 FEET; THENCE 9 DEGREES 12 MINUTES 25 SECONDS EAST, 69.27 FEET TO THE NORTH LINE OF SAID LOT 1; THENCE SOUTH 80 DEGREES 47 MINUTES 35 SECONDS EAST, COINCIDENT WITH SAID NORTH LOT LINE, 280.45 FEET TO THE POINT OF BEGINNING.
 CONTAINS 4.81 ACRES OF LAND, MORE OR LESS.



DEDICATION

BE IT KNOWN TO ALL MEN THAT I (WE), THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED UNDER THE NAME OF "DOUGLAS COUNTY PUBLIC WORKS ADDITION NO. 2" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS, DRIVES, ROADS, ETC. SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED. AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN UTILITIES UPON, OVER AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "UTILITY EASEMENT" OR "U.E."

NANCY THELLMAN, CHAIRMAN
 BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

ACKNOWLEDGMENT

STATE OF KANSAS
 COUNTY OF DOUGLAS
 BE IT KNOWN ON THIS _____ DAY ON _____, 2014, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME NANCY THELLMAN, CHAIRMAN, BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.
 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

ENDORSEMENTS

APPROVED AS A MINOR SUBDIVISION UNDER THE SUBDIVISION REGULATIONS OF THE CITY OF LAWRENCE AND THE UNINCORPORATED AREA OF DOUGLAS COUNTY.

SCOTT McCULLOUGH, PLANNING AND DEVELOPMENT SERVICES DIRECTOR, DATE _____

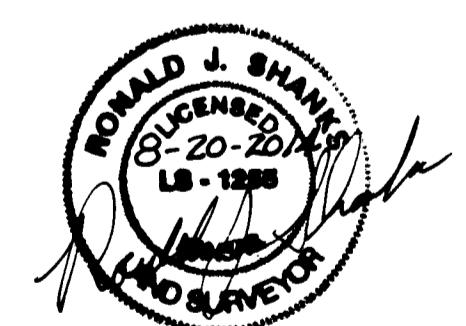
REVIEWED IN COMPLIANCE WITH K.S.A. 58-2005

Michael D. Kelly, August 22, 2014
 MICHAEL D. KELLY, P.S. #869, DOUGLAS COUNTY SURVEYOR, DATE _____

CERTIFICATION

I, RONALD J. SHANKS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF KANSAS, DO HEREBY CERTIFY THAT I HAVE MADE THE HERON DESCRIBED SURVEY COMPLETED ON THE GROUND ON APRIL 9, 2014 AND THAT SAID SURVEY MEETS OR EXCEEDS CURRENT KANSAS MINIMUM STANDARDS ADOPTED BY KANSAS STATE BOARD OF TECHNICAL PROFESSIONS.

RONALD J. SHANKS KANSAS P.S. #1255
 BARTLETT & WEST
 544 COLUMBIA DRIVE
 LAWRENCE, KS 66049
 (785) 749-9452
 FAX (785) 749-5961



NOTES

- BASIS OF BEARING FOR THIS MINOR SUBDIVISION IS THE RECORD BEARINGS OF FRANKLIN PARK ADDITION NO. 1.
- THIS MINOR SUBDIVISION IS A REPLAT OF LOT 1, DOUGLAS COUNTY PUBLIC WORKS ADDITION. FURTHER DIVISION OR CONSOLIDATION OF ANY LOTS CONTAINED IN THIS MINOR SUBDIVISION IS PROHIBITED, AND SHALL BE PROCESSED AS A MAJOR SUBDIVISION, UNLESS THE ACTION MEETS THE EXCEPTION NOTED IN SECTION 20-808(c)(5)(I).
- THE DRAINAGE EASEMENTS WILL BE PRIVATELY-OWNED AND MAINTAINED. THE DEVELOPER IS RESPONSIBLE FOR ESTABLISHING OWNERSHIP AND MAINTENANCE OF SAME VIA INDIVIDUAL OWNER MAINTENANCE. THE DRAINAGE EASEMENT WILL REMAIN FREE OF ANY NATURAL OR NON-NATURAL STRUCTURES OR VEGETATIVE BARRIERS (INCLUDING BUT NOT LIMITED TO TREES, SHRUBBERY, BERMS, FENCES AND WALLS). (CITY CODE 20-1101(g)).
- DRAINAGE EASEMENTS ON LOT 1 SERVICE BOTH LOT 1 AND LOT 2.
- MASTER STREET TREE PLAN IS RECORDED IN BOOK _____, PAGE _____ IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS.
- CITY ORDINANCE TO CHANGE FRANKLIN PARK CIRCLE TO FRANKLIN PARK COURT IS RECORDED IN BOOK 1114, PAGE 3089 IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS.

MINIMUM FFE FOR STRUCTURES

THE MINIMUM FINISHED FLOOR ELEVATION FOR ALL STRUCTURES ON THIS PROPERTY SHALL BE NO LOWER THAN ELEVATION 862.00

BENCHMARK

NCS BM # 5368 IS AT K-10 & E 1750 ROAD ELEVATION 823.34

ANNOTATIONS

- (M) MEASURED BEARING AND DISTANCE
- (D) DEED BOOK 1077, PAGE 4639
- (P1) PLAT BEARING AND DISTANCE FRANKLIN WEST ADDITION
- (P2) PLAT BEARING AND DISTANCE FRANKLIN PARK ADDITION NO.2
- (P3) PLAT BEARING AND DISTANCE FRANKLIN PARK ADDITION NO.1
- R/W RIGHT OF WAY
- U.E. UTILITY EASEMENT
- D.E. DETENTION EASEMENT

FLOOD PLAIN

ACCORDING TO FEMA FLOOD INSURANCE RATE MAPS; 2004SC0187D, 2004SC0179D, 2004SC0183 & 2004SC0191D THIS AREA IN ZONED 'X' = AN AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN

MONUMENTATION

- FOUND REBAR, SIZE NOTED, ORIGIN UNKNOWN UNLESS OTHERWISE NOTED
- SET 5/8" x 24" REBAR WITH CLS14 ID CAP

CENTERLINE A				CENTERLINE B				CENTERLINE C			
LENGTH	BEARING/RADIUS	CHORD LENGTH	CHORD BEARING	LENGTH	BEARING/RADIUS	CHORD LENGTH	CHORD BEARING	LENGTH	BEARING/RADIUS	CHORD LENGTH	CHORD BEARING
A1	20.02'	S1°53'54"W		B1	99.85'	S8°50'13"W		C1	62.33'	N88°05'11"E	
A2	436.48'	R=269.00'	390.15'	B2	173.60'	S0°50'18"E		C2	19.54'	N88°05'11"E	
A3	46.12'	N88°55'50"E		B3	121.38'	S1°42'02"W		CENTERLINE D			
A4	146.45'	N1°03'32"W		B4	121.05'	S36°16'18"W					
A5	405.76'	N88°55'50"E		B5	62.13'	S37°57'57"E		D1	22.72'	N0°59'58"W	
A6	138.15'	S1°20'02"E		B6	18.76'	S37°57'57"E					
A7	193.34'	N88°56'23"E									
A8	62.61'	S1°17'28"E									
A9	19.22'	N88°42'33"E									
A10	38.30'	N69°00'14"E									
A11	97.99'	R=327.50'	97.63'								
A12	305.26'	R=327.50'	294.33'								
A13	141.11'	N1°33'06"W	51.09'								
A14	51.17'	R=272.50'									
A15	69.27'	N9°12'25"E									

DESIGNED BY: DRA
 DRAWN BY: JMD
 APPROVED BY: RJS
 DESIGN PROJ: 18454.010
 CONST PROJ: AS NOTED
 SCALE: AS NOTED
 DATE: APRIL 2014
 DRAWING NO: FP
 SHEET NO: 1 of 1

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 WWW.BARTLETTWEST.COM

MINOR SUBDIVISION/REPLAT
 DOUGLAS COUNTY PUBLIC WORKS ADDITION NO. 2
 NE QUARTER SECTION 9-13-20
 DOUGLAS COUNTY, KANSAS



DOUGLAS COUNTY PUBLIC WORKS

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

MEMO TO: Board of County Commissioners

FROM: Keith A. Browning, P.E., Director of Public Works
Terese A. Gorman, P.E., Engineering Division Manager

DATE: August 27, 2014

SUBJECT: Project No. 2013-18
Deck Replacement for Bridge No. 08.74N-07.95E
Route 1039 Bridge over Washington Creek at Lone Star town
Rejection of Construction Bids

Bids were opened Friday, August 22 for the deck replacement for Bridge No. 08.74N-07.95E at Lone Star town. We received two bids for this project. Both bids were significantly higher than the Engineer's Estimate. Below is a summary of the bids.

Engineer's Estimate	\$309,897.50
A.M. Cohron & Son, Inc.	\$410,315.55
Wildcat Construction Co.	\$538,505.00

We discussed the bids with these two contractors to understand why the cost was much higher than we anticipated. Both contractors said they were busy right now and the construction schedule to complete the project this fall was too aggressive for them to cost effectively complete this work based on their current work load. So their bids reflected all the overtime and extra manpower they would have to use to construct the bridge deck this fall.

The CIP allocated \$275,000 for this project. K.S.A. 68-521 states, "...the contract shall be awarded to the lowest responsible bidder, or the board, if it deems the proposals are too high, may reject all bids, and readvertise the work as before. No such contract shall be let at an amount exceeding 110% of the county engineer's estimated cost of the work." A 10% increase in the Engineer's Estimate is approximately \$340,887.

Public Works recommends rejecting all bids and we will plan to re-advertise the project early next year.

Action Required: Reject all construction bids for Project No. 2013-18, Deck Replacement for Bridge No. 08.74N-07.95E at Lone Star town.



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

MEMORANDUM

TO : Douglas County Commission

FROM : Keith A. Browning, P.E., Director of Public Works/County Engineer
Michael D. Kelly, P.S., County Surveyor

DATE : August 28, 2014

RE : Project No. 23C-4640-01; County Route 1055; Easement Offer Approval

A road improvement project has been designed for Co. Rte. 1055, from N400 Road northward a distance of 3 miles to Vinland. The project is currently scheduled for a January 2015 bid letting.

The project will utilize some federal funding and, as such, requires any necessary construction easement be acquired using federal acquisition guidelines. To that end an independent appraiser was hired to ascertain appropriate offers for the required easement. In addition, also according to federal guidelines, review appraisals are required to verify the initial appraiser's compliance with accepted appraisal techniques. The review appraisals were conducted by County Appraisal staff. The offer to the property owners must be made in writing and may not be in an amount less than that determined through the appraisal process.

The appraisal work has been completed and written offers will be sent to the appropriate landowners. The total amount, as determined by the appraisal process, to be offered to the twenty (20) landowners is \$38,950.00 and is within the budgeted amount in the CIP.

If you wish to know details of the individual offers then it should be discussed in executive session.

ACTION REQUIRED: Approve the total amount to be offered to appropriate landowners for acquisition of various easement, including damages, for Project No. 23C-4640-01.



DOUGLAS COUNTY ZONING & CODES DEPARTMENT
MEMORANDUM

TO: Board of County Commissioners
SUBJECT: ZTBU-2014-0004, Temporary Business Permit for Soil Removal and Regrading to be located at the southwest corner of HWY 40 & HWY 10 at approximately 867 HWY 40, Lawrence, KS.
DATE: September 3, 2014
FROM: Jim Sherman, Director of Zoning & Codes

BACKGROUND:

C.L. Maurer, with Landplan Engineering, has submitted an application for a Temporary Business Permit to allow Soil Removal and Regrading at the southwest corner of HWY 40 & HWY 10 at approximately 867 HWY 40, Lawrence, Kansas. The site covers approximately 22 acres owned by Gateway West Land Holding, LLC and First United Methodist Church. The grading activity will occur generally west of the church building.

The applicant proposes to grade the subject-property and to haul excess soil one mile south for use in construction of the interchange at K-10 HWY and Bob Billings Parkway. Currently, the property has steep slopes and grading will result in a more developable property. The proposal is to strip 6" to 12" of top soil from the site, stock pile it on-site, then grade and remove soil. The excess soil will be hauled to the Bob Billings interchange project. After the grading is completed, all disturbed areas will be covered with the stock-piled top soil and reseeded. No borrow pit or permanent pond will be created as a result of the activity. Two temporary sedimentary ponds will be created as part of the Stormwater Pollution Prevention Plan (SWP3). The applicant anticipates completing the project in two years.

APPLICABLE REGULATIONS:

Temporary Business Uses may be permitted in any zoning district upon review and finding by the Board of County Commissioners that the proposed use is in the public interest [re: section 12-319-5]. In making this determination, the Board is required to consider four factors:

1. the intensity and duration of the use,
2. the traffic that can be expected to be generated by the use,
3. the applicant's plans for dealing with sanitation and other public health and safety issues, and
4. other factors which the Board, in its discretion, determines will affect the public's health, safety and welfare.

Temporary business uses allowed are enumerated in section 12-319-5.01.b. The request to allow Soil Removal and Regrading is allowed by this section because the proposal is of a "temporary and specified duration" and because it is similar to a batch/rock-crushing plant such as a concrete or asphalt plant and, to a lesser extent, is similar to a construction building or construction material yard.

Typical application procedures require an application be submitted a minimum of 28 days prior to the commencement date. However, allowances may be made for a shorter period. The application was received on July 31, 2014.

The application is required to be accompanied by a Site Plan and a Temporary Business Use Plan showing the location of the temporary business use and to provide an explanation of the proposed activities.

A summary of the issues addressed in the required Temporary Business Use Plan follows:

- **Controlling traffic and road conditions during the temporary business use:**
 - The haul road entrance will be located at the southeast corner of the site.
 - The applicant anticipates that the haul route will cross E 900 Road then proceed south on unimproved KDOT ROW between K-10 HWY and E 900 Rd road surfaces.
 - The applicant plans to place steel plating to protect E 900 Road from damage at the crossing and to install a four-way stop at the crossing to prevent conflicts between local traffic on E 900 Road and trucks exiting the subject-property.
 - A rough estimate projects that activity level will be approximately 25-30 truck trips per hour.
 - It is possible that dust created along the haul route will impact residences along E 900 Road and traffic along K-10 Hwy. The applicant plans to water the haul route to decrease impacts from dust. Conditions of approval are provided in the event that further dust control and road maintenance are required.
- **Addressing health and sanitation concerns at the site:** The job trailer is located off-site within KDOT ROW. A portable toilet and bottled water are provided with the job trailer.
- **Lighting:** No activity will be done after sunset and it is anticipated that lighting will not be required.
- **Security:** No security required for this site.
- **Township Fire Department:** Contacting the township fire department is condition of approval.
- **Liability Insurance:** A copy of the operator's general liability & property insurance for this site will need to be on file with the Douglas County Zoning & Codes Department before operation begins.

Public notice of the temporary business use was mailed to property owners within 1000' on August 25, 2014.

A public hearing is required to be held by the Board of County Commissioners on the temporary business permit application in accordance with section 12-319-5.01.f. The Commission may approve or deny the permit. If the permit is approved, the action the Commission takes needs to include the **effective time period for the permit and all conditions under which the permit is granted.**

A Temporary Business Permit is issued to the applicant making the request. It is not assignable to another party without the Commission's consent [re: 12-319-5.01.g]

STAFF RECOMMENDATION:

Approval of the Temporary Business Permit to allow Soil Removal and Regrading at the southwest corner of HWY 40 & HWY 10 at approximately 867 HWY 40, Lawrence, KS, for a period of up to two years commencing from the date approved by the Board of County Commissioners, subject to the following conditions:

1. **BEST MANAGEMENT PRACTICES** - The Contractor, its subcontractors, agents, representatives, and any other person carrying on Soil Removal and Regrading will utilize and employ best management practices in connection with the Grading and Borrow Area and related activities.
2. **NORMAL HOURS OF OPERATION** - Excavation, except as provided below, removal, and transportation of materials from the Grading and Borrow Area will only take place between

sunrise and sunset, Monday through Saturday, unless the Contractor receives prior written permission from the Zoning & Codes Department. The Zoning & Codes Department shall consider the Contractor's project schedule, the number of residences near the Grading and Borrow Area, and the proximity of those residences to the Grading and Borrow Area in determining whether to grant the Contractor such permission.

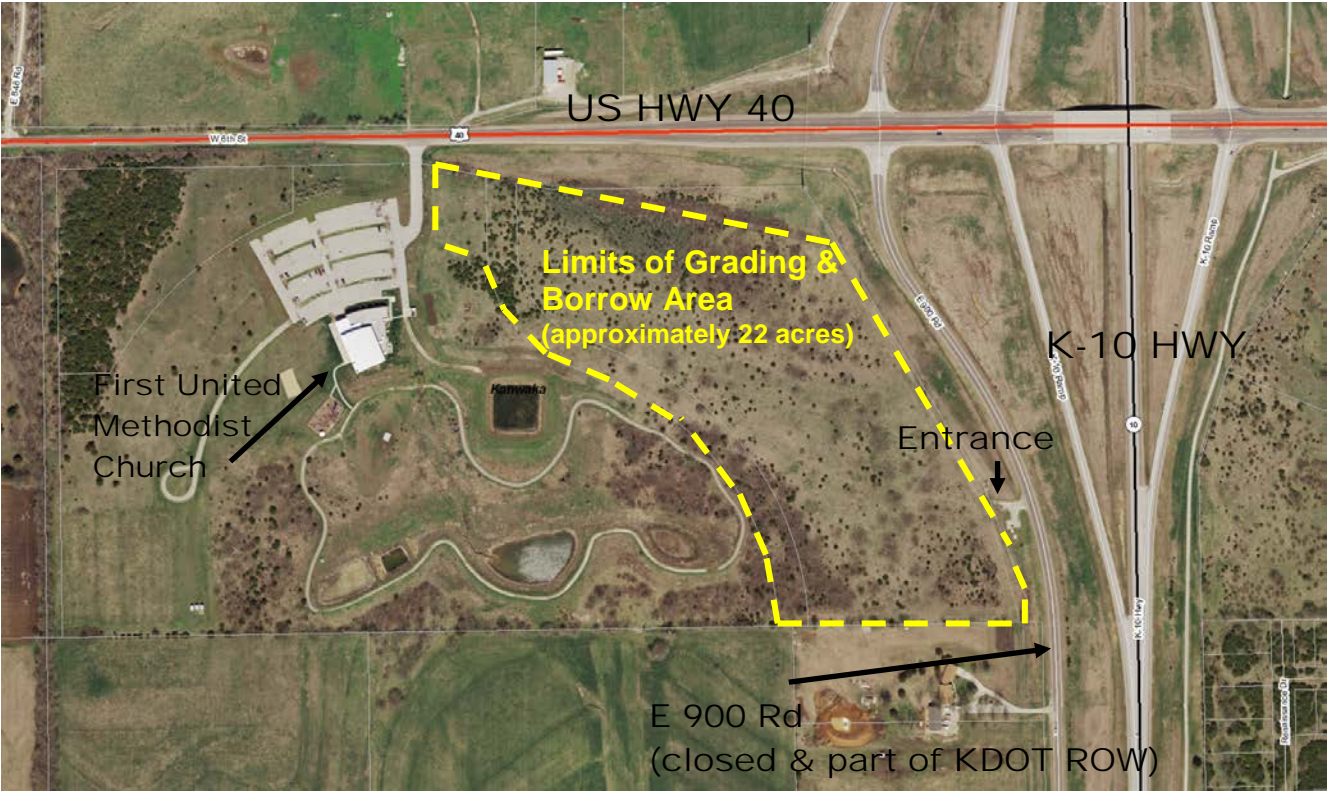
3. WORK EXCLUDED ON HOLIDAYS - Material will not be graded, excavated, removed, or transported from the Grading and Borrow Area on Sundays or holidays unless the Contractor provides the Zoning & Codes Department notice *at least 72 hours in advance of the particular Sunday or holiday with a copy of written permission from KDOT to work on said Sunday or holiday*. For purpose of this provision, "holidays" are defined as New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day.
4. ROAD ENTRANCES; CONSTRUCTION AND MAINTENANCE - Any and all entrances to and exits from the Grading and Borrow Area shall be constructed and maintained to the standards and specifications established by the Public Works Director/County Engineer.
5. TRANSPORTATION OF MATERIALS AND TARPS - All trucks transporting borrow materials on full-maintenance public roads shall use tarps to securely transport the materials.
6. TRAVEL PLAN ON RECORD AT PUBLIC WORKS - The Contractor shall submit a travel plan describing in detail its complete haul route between the Grading and Borrow Area and the Project, said travel plan must be approved by the Public Works Director/County Engineer, and the Contractor shall ensure that all trucks comply with said travel plan. This includes hauling on unimproved KDOT right-of-way.
7. MAINTENANCE OF HAUL ROUTE - The Contractor shall, at its own cost and expense, be responsible for: (1) maintaining the haul route described in the travel plan so that it is reasonably free from unsafe driving conditions for the travelling public while hauling operations are ongoing, and (2) repairing and restoring the haul route to pre-haul conditions or better following hauling activities, including restoring disturbed right-of-way used for hauling.
8. DUST PALLATIVE ROAD TREATMENT - The Contractor shall, at its own cost and expense, be responsible for providing appropriate dust control measures, as determined by the Public Works Director/County Engineer, on the haul route described in the travel plan throughout the duration of hauling operations. The existence of residences, roadway geometry, traffic volumes and patterns, and roadway surfacing material for the specific haul route will be considered in determining the required dust control measures.
9. HAUL ROUTE AND TRACKING OF MUD, DIRT AND OTHER DEBRIS ONTO PUBLIC ROADS - The Contractor, any subcontractors, agents, representatives, and any other person carrying on borrowing activities shall not deposit or leave any mud, dirt, or other debris upon the public roads along the haul route described in the travel plan.
10. PROHIBITS USE OF EXPLOSIVES, BLASTING, MINING/QUARRING - The Contractor, its subcontractors, agents, representatives, and any other person carrying on grading or borrowing activities shall not use explosives or blasting to excavate, mine, or quarry the Grading and Borrow Area.
11. RECLAMATION OF GRADING AND BORROW AREAS - All disturbed areas shall be restored by seeding, fertilizing, and mulching and shall be maintained until a vegetative surface, free of noxious weeds, is established.
12. COMPLIANCE WITH ALL STATE AND FEDERAL LAWS REGARDING BORROW SITES - The Contractor, any subcontractors, agents, representatives, and any other person carrying on borrowing activities shall abide by all Federal and State laws and regulations pertaining to the Grading and Borrow Area and related activity, including having a state approved Stormwater

Pollution Prevention Plan.

13. FIRE SAFETY - Notification shall be given to the Kanwaka Township Fire Department and the Douglas County Emergency Preparedness Coordinator regarding the proposed operation's location and startup date prior to commencement of the approved use.
14. HEALTH CODE – Health and sanitation requirements shall be met and facilities such as portable toilets, if provided, shall be installed and maintained in accordance with the requirements of the Lawrence-Douglas County Health Department.
15. GENERAL LIABILITY & PROPERTY INSURANCE - A copy of the General Liability & Property Insurance covering this site showing the County as a party held harmless from claims shall be submitted to the Zoning and Codes Department prior to commencement of the approved use.
16. SECURITY LIGHTING – Use of lighting shall require prior written permission from the Zoning and Codes Department.
17. REVISED SITE PLAN - All approved conditions shall be shown on the Site Plan. The revised site plan shall be submitted to the Zoning and Codes Department prior to commencement of the approved use.



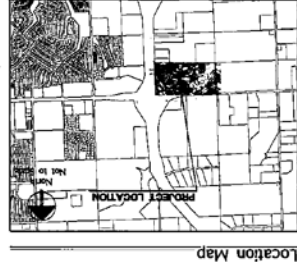
Vicinity Map



Aerial of Subject-Property

Site Plan

 <p>Landplan Engineering, PA 1000 West 10th Street, Suite 100 Lawrence, KS 66044 Phone: 785.842.1234 Fax: 785.842.1235 Email: info@landplaneng.com</p>	<p>DATE: 08/27/14</p> <p>PROJECT: K-10 HWY</p> <p>CLIENT: KDOT</p> <p>SCALE: 1" = 200'</p> <p>DATE: 08/27/14</p>
	<p>PROJECT: K-10 HWY</p> <p>CLIENT: KDOT</p> <p>SCALE: 1" = 200'</p> <p>DATE: 08/27/14</p>



General Notes

1. THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE.
2. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO OBVIOUS OBSTRUCTIONS TO THE PROPOSED WORK.
4. THE PROPOSED WORK SHALL BE CONDUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, KANSAS EDITION.
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Site Summary

AREA: 1.2 ACRES
 ZONE: R-1
 ADJACENT PROPERTIES: [List of adjacent properties and owners]

Legal Description

SECTION 10, T10N, R10W, S4E, DISTRICT 10, KANSAS
 PART OF THE [Legal description of the land parcel]

GRADING PLAN

A TUP Site Plan for
K-10 HWY
 Douglas County, Kansas

