BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, OCTOBER 2, 2002

Joint meeting with Lecompton City Council – Lecompton Community Building

6:35 P.M.
-Convene

CONSENT AGENDA

(a) Consider approval of Commission Orders

PROCLAMATION

-National 4-H Week Proclamation

REGULAR AGENDA

(2) Consider approval to purchase three additional patrol cars for the Sheriff's Department (Bill Shepard)

(3) Fireworks discussion

(4) Discussion of 1029 Project (Keith Browning)

(5) Discussion of possible 1023 Project (Keith Browning)

(6) Discussion of possible boat dock on the Kansas River

(7) Discussion of Lecompton Fire District appointments

(8) Consider approval of Change Order for Route 442 Project No. 23 C-3472-01 (Keith Browning)

(9) Other Business
- (a) Consider approval of Accounts Payable (if necessary)
- (b) Appointments
- (c) Miscellaneous
- (d) Public Comment

(10) Adjourn

MONDAY, OCTOBER 7, 2002

-Proclaim Thursday, October 10 as "Put the Brakes on Fatalities Day in Douglas County" (Keith Browning/Traffic Safety Advisory Committee)

-Proclaim the week of October 12-20, 2002 as National Disability Employment Awareness Month – October 2002; National Javits-Wagner-O'Day Week – October 12-20, 2002 (Peggy Wallert)

PROCLAMATION

WHEREAS: *Social problems concern our nation and threaten its future; and*

WHEREAS: *Connecting youth and adults to work together through volunteer service can bridge the differences that separate people and help solve social problems; and*

WHEREAS: *4-H members, and the 4-H emblem standing for Head, Heart, Hands and Health have always exemplified the best in American values, continuous personal development, service to the community and to the nation; and*

WHEREAS: *More than 7 million youth touch and enhance the lives of others during National 4-H Week and throughout the year by doing good, by giving where there is a need, rebuilding what had been torn down, teaching where there was a desire to learn and inspiring those who had lost hope; and*

WHEREAS: *4-H, 4-H youth, volunteers and Cooperative Extension staff have joined to promote a week of national, collaborated volunteer community service; and*

WHEREAS: *Volunteer community service is an investment in the future we all must share.*

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS *does hereby proclaim the week of October 6-12, 2002, to be*

"NATIONAL 4-H WEEK"

in Douglas County, and urge our fellow citizens to observe this week connecting with youth, friends, fellow employees and relatives, and with school community and civic groups to engage in projects benefitting their community.

ADOPTED *this 2nd day of October, 2002.*

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

_____

Jere McElhaney, Chairman

_____

Bob Johnson, Member

_____

Charles Jones, Member

(2)

Office of the Undersheriff

Douglas County
Sheriff's Office

Memo

To: Craig Weinaug, County Administrator
From: Major Shepard WHS
CC: Sheriff Trapp, Jackie Waggoner
Date: 09-20-2002
Re: Car purchases

Mr. Weinaug: This memo is a request to have added to the agenda for the Monday, September 23, 2002 or Wednesday September 25, 2002 commission meeting, the permission to add three additional patrol sedans to the Sheriff's Office fleet. We would trade in 6 of our high mileage cars and purchase 9.

One of the additional units will be assigned to the K-9 officer. We have received several calls from Douglas County citizens offering money to purchase and train another drug dog. After meeting with these citizens, it was determined that we could receive these funds in the form of a grant. The amount the citizens will donate is $10,000. The $10,000 will purchase the dog and cover expenses to train the deputy and the dog; however other items are still needed, one of them being a vehicle. This vehicle will remain with the K-9 Officer due to this officer being subject to call at all hours of the day and night. The vehicle is equipped with a dog cage, and other equipment used in canine operations.

One of the additional units will be assigned to the warrant/civil process section. With the growth of Douglas County, there is a need for more warrant and civil process service. At any given time there are approximately 3000 outstanding misdemeanor and felony warrants, this not including county traffic warrants. In 2001 the Sheriff's office process section served 21,839 process papers, with an average of 1819 per month. This service is conducted throughout the whole county, and at times requires more than one

visit to a residence to insure proper service. Accumulative, this requires more work hours and usage time of our current vehicles. We currently have three personnel assigned to the warrant/civil process section who are responsible to serve the warrants and process and only one vehicle assigned. The one vehicle proves sufficient for one day shift person and one evening shift person; however, the warrant officer has to search for a unit that is not assigned to officers on either day or night shift. Also, in some instances it would assist the warrant officer if he/she had an unmarked unit available instead of a marked unit. On occasion when the civil process car is out of service for mechanical, transport or other reasons, it is difficult finding a spare unmarked unit for process to use. (The process server is not a commissioned officer and needs to be in an unmarked unit.) Two unmarked units assigned to the warrant/civil process section would alleviate all of the above mentioned situations.

The third additional unit will be assigned to the jail/training division. With the jail now located a distance from the Law Enforcement center, transportation is needed for the daily administrative run, supplies, work release surveillance, transports to and from courts, transports to and from medical offices, transports to and from various rehab program interviews, transports to treatment facilities, as well as transports to state correctional facilities. The one transport vehicle that is located at the jail can not always be counted on due to the amount of usage needed. On several occasions the transport vehicle has been out of town on transports when there is a need for a secure vehicle to take inmates to the doctor's office or to the dentist. When the jail was located at the Law Enforcement center, secure transportation was not as much of a problem due to the fleet being here. The training unit will also use this vehicle. There has been several times in the past year that a patrol unit was removed from patrol in order to send people to training. This in turn created problems when other units went down for maintenance and special activities were going on. Having a unit available to the training unit would help alleviate this situation.

Budget considerations:

There is currently $179,380 in the vehicle budget.

Last year the units cost $20,280 each and we received an average of $5,500 each for the trade in. Going with those figures, that would still leave $30,860

in the vehicle budget after all of the vehicles have been purchased and traded or auctioned off.

MEMO

TO: Chief McSwain

FROM: *Major Rich Barr*

SUBJECT: Fireworks Regulations in Other Jurisdictions

DATE: August 2, 2002

The 1997 Uniform Fire Code, adopted by the City of Lawrence, does not permit the storage, use or handling of consumer fireworks in its "model" regulation. The City has amended this section, however, to allow the possession, use, explosion and/or discharge of fireworks between July 2 and July 4 during designated times.

Large Population Communities

The City of Lawrence and Douglas County are less restrictive than most of the other large population communities in Kansas. The following regulations are from several of those communities.

Overland Park and Johnson County

Overland Park prohibits storage, sale, use, discharging or possession of consumer fireworks except for supervised public exhibitions or displays conducted in accordance with their regulations. It does permit novelty items that contain less than .25 grains of explosive composition.

Johnson County does not permit the sale or use of consumer fireworks within the unincorporated areas of the county. In fact, the only community in Johnson County where fireworks are permitted is in Edgerton, KS. Other cities in Johnson County that prohibit consumer fireworks include Lenexa, Olathe, Shawnee Mission, and Leawood.

Topeka and Shawnee County

Topeka prohibits consumer fireworks. with the exception of novelty items and items approved by the chief which are sold within the City. These items generally cannot project combustible compositions through the air, shall not discharge more than 6' in height or 12' radius at the base.

Shawnee County permits the sale, storage, use and possession in accordance with Kansas Administrative Regulations.

Wichita and Sedgwick County

Wichita prohibits the storage, use and handling of consumer fireworks. However the Wichita Fire Department approves certain consumer fireworks to be sold in the City by specific organizations during the sale dates established by Kansas Administrative Regulations. These fireworks include novelties and fireworks that do not emit fire or sparks in excess of 10 feet in height, do not pose danger from explosive forces, and items that do not leave the ground or are propelled through the air.

Sedgwick County prohibits all consumer fireworks in unincorporated areas, however 14 of the 17 incorporated communities in Sedgwick County allow sale and use of fireworks.

I spoke with members of both Wichita and Topeka's Fire Prevention Divisions regarding the sale of fireworks in the surrounding areas and the impact on enforcement within their jurisdictions. As one might expect, sales in the neighboring areas of both Cities increased the likelihood that the fireworks would be used within their Cities. I should note that in both jurisdictions, the vendors that are selling the fireworks are largely philanthropic organizations using the proceeds to fund their activities. Very few, if any of the vendors are private individuals or corporations. The Boys & Girls Club in Wichita has exclusive rights to fireworks sales. In Topeka, Boy and Girl Scout organizations, Optimist Clubs and fraternal organizations were the ones mentioned to me.

The Wichita Fire Marshal indicated that the W.F.D. had a terrible time controlling illegal fireworks. As long as they are sold outside of Wichita there is no way to control what is brought in. He went on to say that, in his opinion, making it illegal throughout the City would not change things very much, unless control of the contraband being brought into the City is established.

Topeka's opinion was somewhat different. Their concern was that if fireworks were not sold locally, people would go elsewhere to buy them; losing the local revenue as well as increasing the likelihood the fireworks they bought would be illegal ones. They did acknowledge the difficulty in enforcing their current restrictions.

I have attached either operating procedure or city codes from these jurisdictions when available.

Local Communities

I have contacted several local communities surrounding Lawrence to determine any consumer fireworks regulations or restrictions that are currently in effect. I have also attached copies of local ordinances where available.

Baldwin City

Baldwin City's Ordinance permits discharge of fireworks from 10:00 AM to 11:00 PM, July 2 through July 4. There are no restrictions greater than those imposed by Kansas Administrative Regulation on the type of fireworks permitted. Sales are permitted within the City upon application and receipt of a permit from the City Clerk.

Eudora

Eudora Ordinance does allow discharge of fireworks anytime from July 2 through July 4. It does, however, prohibit the sale of fireworks within the City limits.

Lecompton

Lecompton Municipal Code allows both the sale and discharge of fireworks within the City between the hours of 8:00 AM and 12:00 PM from July 1 through July 4.

Ottawa and Franklin County

Ottawa City Ordinance prohibits discharge, sale and possession of fireworks within the corporate limits of the City. Franklin County permits the sale and discharge of fireworks with in the unincorporated areas of the county in compliance with the Kansas Administrative Regulations.

Jefferson and Leavenworth County

Jefferson County and Leavenworth County permit the sale and discharge of consumer fireworks within the unincorporated areas of the counties pursuant to K.A.R.

Community Fireworks Regulations

I have prepared the chart below to indicate the policies of all the communities surveyed.

COMMUNITY	SALES	USE
Baldwin City	Permitted	Allowed July 2-4
Eudora	Not Permitted	Allowed July 2-4
Lecompton	Permitted	Allowed
Ottawa	Not Permitted	Not Allowed
Leavenworth	Not Permitted	Not Allowed
Overland Park	Not Permitted	Not Allowed
Lenexa	Not Permitted	Not Allowed
Olathe	Not Permitted	Not Allowed
Wichita	Permitted	Restricted
Topeka	Not Permitted	Restricted
Franklin County	Permitted	Allowed
Jefferson County	Permitted	Allowed
Leavenworth County	Permitted	Allowed
Johnson County	Not Permitted	Not Allowed
Sedgwick County	Not Permitted	Not Allowed
Shawnee County	Permitted	Allowed

Other State Regulations

In addition to the above local communities, the States of Minnesota and Connecticut were contacted because of recent changes in their regulations.

Connecticut does not allow purchase, sales or use of consumer fireworks, including novelty items such as poppers, smoke bombs and snakes. It does allow purchase, sale and use of sparklers by persons 16 years of age or older.

Minnesota does not allow sales, possession or use of fireworks that explode, leave the ground or shoot anything other than sparks into the air. They do allow non-explosive and non-aerial consumer fireworks such as fountains, spinners and novelty items to be purchased and used by individuals 18 years of age and older.

Fireworks Definitions and Examples

Lastly, I have prepared a short list of definitions of fireworks that are referenced throughout this memo.

Consumer Fireworks – Classified by the Department of Transportation as Class 1.4G (old classification is Class C), which contain limited quantities of pyrotechnic composition per unit.

Novelties – Are not considered fireworks due to the limited pyrotechnic material used in each item. These items include party poppers, snappers, snakes, sparklers and toy caps. In Kansas, sparklers are not considered novelties and are treated as a hand-held sparkling firework.

Bottle Rockets – Pyrotechnic that is mounted on a stick or wire, projects into the air when ignited, with or without reports, and includes any device with the same configuration which may be classified as a pipe or trough rocket. These fireworks are illegal within the State of Kansas.

Aerial Fireworks – Consumer fireworks designed to be shot into the air. This group includes sky and bottle rockets (both illegal in Kansas), missile-type rockets, helicopter and aerial spinners, roman candles, mines, mortars and shells.

Explosive Fireworks – These are typically firecrackers and ladyfingers. Federal law outlaws larger explosives such as M-80s, M-100s and cherry bombs.

Ground, Hand-held Sparkling and Smoke Devices – these do not leave the ground when ignited unless the operator is holding them. They include cylindrical and cone fountains, wheels, ground spinners, illuminating torches, toy smoke devices, sparklers and strobes.

Attachments:

Kansas Statute
Kansas Administrative Regulation
Overland Park Municipal Code
Topeka City Ordinance
Baldwin City Ordinance
Eudora City Ordinance
Lecompton Municipal Code
Ottawa City Ordinance
National Fire Protection Association Definitions

31-155

Chapter 31.--FIRE PROTECTION
Article 1.--FIRE SAFETY ANDPREVENTION

31-155. Bottle rockets; sale or use prohibited; exceptions. (a) Except as provided in subsection (c):

(1) It shall be unlawful to sell, offer to sell, or to possess with intent to sell or offer for sale a bottle rocket; and

(2) it shall be unlawful to ignite, fire, set-off or otherwise use a bottle rocket.

(b) Any person violating the provisions of subsection (a) shall be guilty of an unclassified misdemeanor punishable by a fine of not more than $100.

(c) The provisions of this section shall not prohibit the possession or transportation of bottle rockets by a manufacturer or wholesaler thereof for sale outside this state if such manufacturer or wholesaler is currently registered with the state fire marshal pursuant to K.S.A. 31-156.

(d) As used in this act, "bottle rocket" means any pyrotechnic device which:

(1) Is classified as a class C explosive by the United States department of transportation under 49 C.F.R. 173.100 (1977);

(2) is mounted on a stick or wire; and

(3) projects into the air when ignited, with or without reports, and includes any device with the same configuration, with or without reports, which may be classified as a pipe or trough rocket. "Bottle rocket" does not include helicopter-type rockets.

History: L. 1981, ch. 142, § 1; Jan. 1, 1982.

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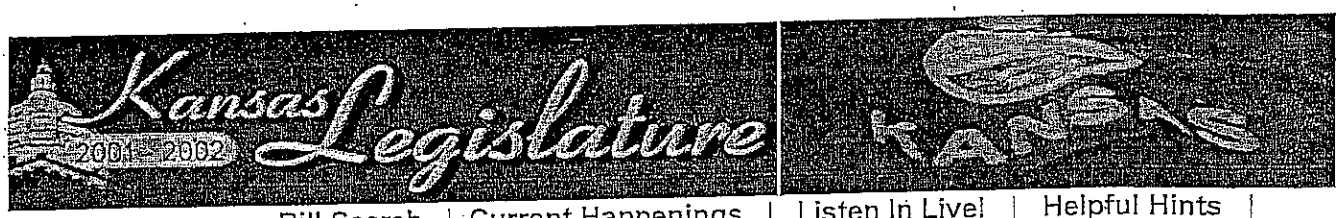

31-156

Chapter 31.--FIRE PROTECTION
Article 1.--FIRE SAFETY ANDPREVENTION

31-156. Same; permit to possess or transport. (a) Any person who manufactures bottle rockets or sells bottle rockets at wholesale and who desires to possess or transport any bottle rockets in this state for the purpose of selling the same outside this state shall register annually with the state fire marshal. Such registration shall entitle the manufacturer or wholesaler to possess and transport bottle rockets in this state for the purpose of selling the same outside this state for a period of one year from the date of registration.

(b) The state fire marshal shall prescribe by rules and regulations the form of the registration required by subsection (a), which form shall require such information of each registrant as necessary to enforce the provisions of K.S.A. 31-155.

History: L. 1981, ch. 142, § 2; Jan. 1, 1982.

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Article 6. - FIREWORKS

22-6-1. Definitions. (A) The term "fireworks" shall mean and include any combustible or deflagrating composition, article, or device suitable for the use of the public for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation and previously approved for transportation by the chemical laboratory of the United States department of transportation.

(B) Class C fireworks (common fireworks) means fireworks designed primarily to produce visible effects by combustion. The definition of class C fireworks is based on the definition of the United States department of transportation of common fireworks (code of federal regulations, title 49, para. 173.100(R)). Some small devices designed to produce an audible effect are included, but only when containing two grains or less of pyrotechnic compositions. Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and potassium nitrate (saltpeter) are not considered as designed to produce an audible effect.

(C) Nothing in this regulation shall be construed as applying to toy smoke devices defined as smoke balls, or tubes containing a pyrotechnic mixture which upon ignition produces a visible cloud of colored smoke (white and black smokes are considered colored); or to toy paper caps containing not more than twenty-five hundredths of a grain of explosive composition per cap, and to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, not applying to the military or naval forces of the United States or of this state, or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial or theatrical or athletic events, nor as prohibiting the firing of sky rockets or missiles when produced by a science class of any school and when under supervision of the science instructor and when the place and time of firing the sky rockets or missiles has been approved by the fire chief. (Authorized by K.S.A. 1972 Supp. 31-133; effective Jan. 1, 1973.)

22-6-2. Storage, sale, handling. Fire-works to be sold at wholesale shall be stored in a room set aside for the storage of fireworks only. Over the entrance to this room shall be posted a sign reading, "FIREWORKS—NO SMOKING—KEEP OPEN FLAMES AWAY." (Authorized by K.S.A. 1972 Supp. 31-133; effective Jan. 1, 1973.)

22-6-3. Storage near flammable substances prohibited. Fireworks shall not be sold or kept for sale in a place of business where paints, oils, varnishes, turpentine or gasoline or other flammable substances are kept in unbroken containers; unless in a separate and distinct section or department of the store. (Authorized by K.S.A. 1972 Supp. 31-133; effective Jan. 1, 1973.)

22-6-4. Fire extinguishers required. Two approved fire extinguishers must be provided and kept in close proximity to the stock of fireworks in all buildings where fireworks are sold. Small stands, temporarily erected to be used as a place for storing and selling fireworks only, shall have a fire extinguisher, or in lieu of the fire extinguisher a barrel of water with at least two buckets, or a loaded water hose with nozzle end within fifteen feet of fireworks stand. (Authorized by K.S.A. 1972 Supp. 31-133; effective Jan. 1, 1973.)

22-6-5. Sale; days permitted. Any person, firm or corporation shall not sell fireworks to individuals at temporary retail stands or other locations, or deliver retail fireworks purchased by mail order, before the 27th day of June and after the 5th day of July. (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective Jan. 1, 1973; amended May 1, 1985; amended May 1, 1986.)

22-6-6. Exposure for sale restricted. All retailers are forbidden to expose fireworks where the sun shines through glass on the merchandise displayed, except where such fireworks are in the original package, and all fireworks kept for sale on front counters must remain in original packages, except where an attendant is on constant duty at all times at counters were such fireworks are on display: *Provided, however,* That fireworks in open stock may be kept in show cases or counters out of reach of the public without an attendant being on duty. Signs reading, "FIREWORKS FOR SALE—NO SMOKING ALLOWED," shall be displayed in the section of the store set aside for the sale of fireworks. (Authorized by K.S.A. 1972 Supp. 31-133; effective Jan. 1, 1973.)

22-6-7. Permitted fireworks. All pyrotechnic devices classified and labeled as class C fireworks (common fireworks) by the United States department of transportation or interstate commerce commission, under 49 C.F.R. 173.100(1977), may be sold, manufactured, possessed, transported or otherwise permitted for use in Kansas unless specifically prohibited by law. Prohibited devices may be used for public display purposes as provided for in K.A.R. 22-6-10 and may be possessed and transported by wholesalers and manufacturers for ultimate disposition outside the state. (Authorized by and implementing K.S.A. 31-133; effective Jan. 1, 1973; amended May 1, 1983.)

22-6-8. Storage, sale near gasoline or other stations selling flammable liquids. Fireworks shall not be stored, kept, sold or discharged within fifty (50) feet of any gasoline pump, gasoline filling station, gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints, and oils are handled in sealed containers only. (Authorized by K.S.A. 1972 Supp. 31-133; effective Jan. 1, 1973.)

22-6-9. Discharge of fireworks. A person shall not ignite or discharge fireworks within 1,000 feet of any hospital, sanitarium or infirmary; into, under or on a car or vehicle,

whether moving or standing still; or on a public roadway or the right-of-way adjoining a public roadway. Fireworks shall not be discharged within 50 feet of any retail fireworks stand or facility where fireworks are stored. (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective Jan. 1, 1973; amended May 1, 1986.)

22-6-12. Illegal fireworks. Fireworks not permitted by the provisions of K.A.R. 22-6-7 shall be illegal to be sold, possessed, manufactured or transported. (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective Jan. 1, 1973; amended May 1, 1986.)

22-6-13. Illegal fireworks; seizure; disposal. (a) Fireworks which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of these regulations shall be subject to seizure by the state fire marshal, any deputy state fire marshal, any law enforcement official, the chief of any organized fire department, whether the fire department is regular or volunteer, or any member of a fire department who has been duly authorized by the chief.

(b) Fireworks seized under this section may be disposed of by summary destruction at any time subsequent to 30 days from the seizure or 30 days from the final termination of proceedings under the provisions of section 22-6-14, whichever is later. (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective Jan. 1, 1973; amended May 1, 1986.)

22-6-14. Same; petition by owner; determination; order. (a) Any person whose fireworks are seized under the provisions of section 22-6-13 may, within 10 days after the seizure, submit a written petition to the state fire marshal requesting the return of the fireworks seized upon the grounds that the fireworks were illegally or erroneously seized. Upon the filing of the petition, the state fire marshal shall immediately notify any involved local enforcement agency.

(b) If any petition filed requests a hearing, the state fire marshal or his representative shall hear the person within 30 days after the receipt of the petition. The state fire marshal shall give not less than 10 days written notice of the hearing. The hearing shall be held in accordance with K.S.A. 31-141. The state fire marshal shall file a decision within 15 days after the hearing.

(c) If a hearing is not requested, the state fire marshal shall file his decision within 15 days after the filing of the petition.

(d) Notice of the state fire marshal's decision shall be sent to the petitioner and any involved local enforcement agency.

(e) The state fire marshal may order the fireworks seized under these regulations disposed of, or, if illegally or erroneously seized, returned to the petitioner. (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective Jan. 1, 1973; amended May 1, 1986.)

22-6-16. Registration of bottle rocket manufacturers and wholesalers. (a) Any manufacturer or wholesaler of bottle rockets who desires to store, handle, possess, or transport bottle rockets in this state for any use outside this state shall register annually with the office of the state fire marshal.

(b) Any person desiring to store, handle, possess, or transport bottle rockets in this state shall complete a registration application furnished by the office of the state fire marshal. This application shall be completed and received by the state fire marshal's office before May 31 of each year. Each registration shall be valid for one year from June 1 to May 31 of the following year. The application shall contain name of applicant, name of business, address of business, description of business activity, destination and disposition of the bottle rockets, and any other information deemed necessary by the state fire marshal. (Authorized by and implementing K.S.A. 31-133, 31-155, 31-156; effective May 1, 1982; amended May 1, 1983.)

Douglas County

Department of Public Works

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 27, 2002

Re : Status of Route 1029 Improvement Project No. 23 C-3688-01

This memo is to provide the BOCC with a status report on the project to improve Route 1029 between Route 438 and the City of Lecompton. You will recall that the initial scope of this project was to construct shoulders and flatten frontslopes and backslopes of ditches along Route 1029 from US-40 highway to Lecompton. Due to changes in traffic patterns following the opening of the Lecompton turnpike interchange, the decision was made to not include the portion of Route 1029 south of the turnpike in the project. In addition, the decision was made to reconfigure the Route 438/Route 1029 intersection to a curved alignment so westbound-northbound and southbound-eastbound traffic on Route 438 and Route 1029 would not have to stop.

The project will involve significantly more reconstruction of the existing roadway than originally planned. Plans call for approximately 73% of the road's length to be totally reconstructed. The remaining portion will have shoulders added to the existing road, and the existing pavement surface will be milled and overlaid with asphalt. This extensive amount of reconstruction is to meet current standards regarding vertical alignment given the increased traffic counts on the road.

The current estimated construction cost for the project is $2.33 million. Federal funds will pay for 80% of construction and construction inspection costs. The remaining 20% of construction and construction inspection costs will be the responsibility of Douglas County. We plan to provide construction inspection services with Public Works personnel.

Engineering plans for the referenced project have progressed to the "Office Check" stage, and are approximately 95% complete. KDOT and this department are currently reviewing the Office Check plans. When the reviews are completed the county's engineering consultant, BG Consultants, will complete final plans.

KDOT has moved the bid letting date for this project from February 2003 to September 2003. Given the anticipated time required for the acquisition of right-of-way easements and the relocation of utilities, and KDOT's requirement that these activities are complete four (4) months prior to the bid letting, this is the earliest letting date we can realistically meet. A bid opening date of September 2003 means that the project will not be completed during the 2003 construction as planned. Construction will continue into 2004.

1242 Massachusetts Street, Lawrence, Kansas 66044-3350 / Fax No. (785) 841-0943
Telephone No. (785) 832-5293 / E-Mail dgcopubw@douglas-county.com

This department has sent out Requests for Proposals (RFP's) for appraisal services to begin the right-of-way easement acquisition process. Public Works survey parties will begin staking proposed right-of-way in the next week or so. We anticipate having an independent appraiser under contract to perform appraisals on required additional right-of-way easements by mid-October. The contracted appraiser will begin contacting property owners along the project soon thereafter. Following the completion of appraisals, another appraiser must review the original appraisals. Following the review appraisals, department staff will begin negotiations with property owners.

Public Works staff and David Hamby, Project Engineer with BG Consultants, met with property owners in early June to view preliminary Field Check plans and hear their concerns. It is planned to again meet with property owners now that plans have progressed to the Office Check stage. A public meeting has been tentatively scheduled for Thursday, October 10th in Lecompton.

There have been concerns expressed from residents along E 500 Road about anticipated increased traffic during the project. That township road parallels Route 1029 one mile to the west. The official detour will be along US-40 highway to Route 1023 north and east to Lecompton, however it can be anticipated that traffic on E 500 Road will increase while Route 1029 is closed. It is likely that the county will be asked to impose speed limits on E 500 Road and provide measures to control dust.

This is a badly needed project that will significantly improve the safety of Route 1029. The original project scope has been significantly expanded, which will result in a much better final product.

Action Required: Discussion of Route 1029 improvement project.

(6c)

DOUGLAS COUNTY ADMINISTRATOR

1100 Massachusetts
Lawrence, KS 66044
785-832-5328
785-832-5148 (Fax)
cweinaug@douglas-county.com

September 10, 2002

Roger Wolfe
3300 S.W. 25th Street
Topeka, Kansas 66614

Dear Mr. Wolfe:

As we discussed yesterday by phone, the Douglas County Commission recently discussed the possibility of a project, financed through the state's boating fee fund, to provide a river access facility near Lecompton.

Because of the location and use of the BNSF railroad tracks on the Douglas County side of the Kansas River, your department has identified a site on the north side of the river which would most safely serve our needs.

In their discussion, the county commissioners expressed willingness to enter into an agreement with the city of Lecompton to assure that the future boat dock facility would be maintained. Douglas County hereby commits that we will work with the city of Lecompton to assure that "trash pick up, mowing, and other minor tasks such as these that may be needed will be provided" through an interlocal agreement between the city of Lecompton and Douglas County. Douglas County will also work with the city of Lecompton to resolve any jurisdictional issues that may result from the fact that the proposed facility is located outside of the city of Lecompton, and adjacent to Douglas County.

We understand that this project will likely not be funded in the current fiscal year, but probably will be funded next fiscal year. Please call me if you have questions.

Sincerely,

G. Craig Weinaug
County Administrator

Cc County Commissioners
Ed Smith, Mayor of Lecompton
Tom Sloan, State Representative

September 10, 2002

City of Lecompton
333 Elmore
Lecompton, Kansas 66050

Roger Wolfe
3300 S.W. 25th Street
Topeka, Kansas 66614

Dear Mr Wolfe:

This letter is written the affirm the commitment of the City of Lecompton to enter into an interlocal agreement with Douglas County to "provide trash pick up, mowing, and other minor tasks such as these that may be needed" in support of a new river access facility that is planned by your department near the city of Lecompton.

We also commit to work with Douglas County to resolve any jurisdictional issues connected with the fact that the facility, as planned will not be within the city limits of Lecompton, or the boundaries of Douglas County.

We are excited about the new facility. Please let us know what we can do to expedite the project.

Sincerely,

Ed Smith, Mayor
City of Lecompton

(6)

Douglas County

Department of Public Works

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 KB

Date : September 25, 2002

Re : Approval of Change Order for Route 442 Project No. 23 C-3472-01

This project entails reconstructing portions of the roadway to improve the vertical alignment and thereby improve sight distance. The remaining portions of the roadway are to remain in place with shoulders added and frontslopes and backslopes flattened to improve roadside safety.

The pavement on the portions of roadway that are to remain is deteriorating. We have talked with KDOT about milling and overlaying the upper 1-1/2" of those pavement areas that are to remain in place. KDOT has agreed to allow adding this work to the federally funded project.

The total cost to add the milling and overlay work is estimated to be $85,902.65. Federal funds would pay for 80% of this work leaving the county responsible for approximately $17,200 of the total added cost.

The proposed additional work is badly needed, and will make for a much better final product. If milling and overlaying is not done as part of the project it will need to be done in the near future. It would be prudent to do this work while the county is only responsible for 20% of the cost.

Action Required: Approval of change order to Project 23 C-3472-01 for the milling and overlaying of portions of pavement that will not be replaced as part of the project. Approval is requested for a maximum change order cost to Douglas County of $20,000 for the milling and overlay work.

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