BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, JUNE 18, 2003

5:30 P.M.
-Rededication of Judicial & Law Enforcement Center and Youth Services

6:35 P.M.
-Convene
-Pledge of Allegiance
-Consider approval of minutes of January 21, 22, 27, February 3 (revised), 24, 28, March 3, 10, 12, and April 7, 2003

CONSENT AGENDA

(1) (a) Consider approval of Commission Orders
(b) Consider approval of Contract(s) for Highway Purposes for Project No. 23C-3688-01, County Route 1029, E 600 Road (Keith Browning)
(c) Consider approval of Agreement between Kansas Juvenile Justice Authority and Douglas County related to condition of grant for JJA funds (Pam Weigand)

REGULAR AGENDA

(2) Discussion of Mailbox Installations and Roadside Safety Impacts with Traffic Safety Advisory Committee

(3) Discussion of policy issues related to the financing of rural road maintenance (Charles Jones)

(4) Consider approval of six (6) Out-District College Tuition Statements in the amount of $15,528 (Debbie Sparkes)

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

(6) Adjourn

MONDAY, JUNE 23, 2003

1:00 P.M.
-Convene
-Budget Hearings

TUESDAY, JUNE 24, 2003

8:30 A.M.
-Convene
-Budget Hearings

WEDNESDAY, JUNE 25, 2003
6:35 P.M.
-Convene
-Discussion of Vicious Dog Issues (Charles Jones)

MONDAY, JUNE 30, 2003
8:30 A.M.
-Convene
-Budget Hearings

TUESDAY, JULY 1, 2003
8:30 A.M.
-Convene
-Budget Hearings

WEDNESDAY, JULY 2, 2003
6:35 P.M.
-Convene

MONDAY, JULY 7, 2003
8:30 A.M.
-Convene
-Budget Hearings (if necessary)

TUESDAY, JULY 8, 2003
8:30 A.M.
-Convene
-Budget Hearings (if necessary)

WEDNESDAY, JULY 9, 2003
8:30 A.M.
-Convene
-Budget Hearings (if necessary)

6:35 P.M.
-Public hearing regarding Petition for Attachment of Land to Rural Water District #4

MONDAY, JULY 14, 2003
-Light agenda or no meeting

WEDNESDAY, JULY 16, 2003
-Light agenda or no meeting

MONDAY, JULY 21, 2003
-No Commission Meeting

WEDNESDAY, JULY 23, 2003

-No Commission Meeting

MONDAY, JULY 28, 2003

-Light agenda

-Consider approval of publication of 2004 budget

WEDNESDAY, JULY 30, 2003

-Light agenda or no meeting

MONDAY, AUGUST 4, 2003

-Light agenda or no meeting

WEDNESDAY, AUGUST 13, 2003

6:35 P.M.

-Public hearing on 2004 budget

JANUARY 21, 2003

Chairman Johnson called the meeting to order at 9:00 A.M. on Tuesday, January 21, 2003. All members were present. The Pledge of Allegiance was recited.

BUDGET 01-21-03
The Board conducted budget hearings. No action was taken.

Johnson made a motion to adjourn; Jones seconded and the motion carried unanimously.

Bob Johnson, Chairman

Jere McElhaney, Member

ATTEST:

Patty Jaimes, County Clerk

Charles Jones, Member

JANUARY 22, 2003

Chairman Johnson called the meeting to order at 9:00 A.M. on Wednesday, January 22, 2003. All members were present. The Pledge of Allegiance was recited.

BUDGET 01-22-03
The Board conducted budget hearings. No action was taken.

Johnson made a motion to adjourn; Jones seconded and the motion carried unanimously.

Bob Johnson, Chairman	Jere McElhaney, Member
ATTEST:	
Patty Jaimes, County Clerk	Charles Jones, Member

JANUARY 27, 2003

Chairman Johnson called the meeting to order at 8:30 A.M. on Monday, January 27, 2003. All members were present. The Pledge of Allegiance was recited.

McElhaney made a motion to approve the minutes of November 13, 2002. Jones seconded and the motion carried unanimously.

CONSENT AGENDA 01-27-03
McElhaney made a motion to approve the following Consent Agenda:

- Approve Commissioners Order Nos. 5105, 5106 & 5107. Orders are on file in the office of the County Clerk; and
- Approve the Annual Noxious Weed Eradication Progress Report.

Jones seconded and the motion carried unanimously.

MISCELLANEOUS 01-27-03
The Board discussed the Douglas County Investment Policy. Members of the Investment Committee, Laverne Epp, Tom Singleton, Pat Wells, and Pam Madl were present for the discussion. Laverne Epp conducted a brief presentation of the progress of the goals that were initially set by the Committee. The Board suggested a few revisions to the policy for future approval. No action was taken.

PLANNING 01-27-03
The Board considered Item No. 3 of the minutes of the Lawrence-Douglas County Metropolitan Planning Department dated December 18, 2002. This item is CUP-10-11-02: A Conditional Use Permit Request for a business known as Lecompton Boat Storage. The property is generally located at 568 N 1800 Road. Submitted by George F. Roll, property owner of record. Sheila Stogsdill, staff member of the Lawrence-Douglas County Metropolitan Planning Department, presented this item. This item comes to the Board with a unanimous recommendation for approval based on the following Findings of Fact:

Zoning and uses of property nearby. The subject property is located west of the northwest corner of N 1800 Road and E 600 Road. The properties on all sides are zoned A (Agricultural) District, and are primarily undeveloped agricultural uses and scattered single-family residences in all directions. One exception is the Retke Kennel located on the northwest corner of N 1800 Road and E 600 Road, to the east of the subject property.

Suitability of subject property for the uses to which it has been restricted. A Conditional Use Permit (CUP) does not change the underlying zoning and as such, the suitability of the property for agricultural uses will not be altered. The current A (Agricultural) zoning designation for the property allows many different

non-agricultural uses including public uses and structures, churches, schools, and limited commercial uses related to agriculture. The existing use of the site as an agricultural storage area is compatible with the property's current zoning of A (Agricultural) District. The additional storage of boats is also compatible with the current zoning and with the surrounding properties, if all conditions of approval are met.

Length of time subject property has remained vacant as zoned. The subject area has been zoned A (Agricultural) District and has been in agricultural use since the adoption of zoning regulations in the unincorporated portions of Douglas County in 1966. The subject parcel maintains a limited agricultural and residential use.

Extent to which removal of restrictions will detrimentally affect nearby property. Approval of the request may impact the surrounding roads by increasing non-residential traffic to the adjacent county roads (E 600 Road and N 1800). The impact will potentially be the greatest at the intersection of E 600 and N 1800, where there are limited site distances available to traffic entering these roads. The site does not anticipate significant detrimental impacts upon nearby properties from the storage of boats inside the proposed building as the area is over 10 acres in size, and will be well screened from neighboring properties.

Relative gain to the public health, safety and welfare by the destruction of the value of the petitioner's property as compared to the hardship imposed upon the individual landowners. The zoning district will not be altered by approval of the request. Staff recommends that the approval period be limited to assure that the impacts from the boat storage are not increased over time or given the same permanency, as a rezoning of the property would confer.

Conformance with *The Comprehensive Plan*. The subject property is located approximately five miles west and slightly north of the City of Lawrence, and beyond the urban growth area shown in Figure 9 of *Horizon 2020*. *Horizon 2020* does not address conditional use permits as a tool to achieve specific policies.

AND subject to the following conditions:

1. All boats must be stored entirely inside the building;
2. No outside storage of non-agricultural equipment is permitted;
3. Submission of a revised site plan that includes:
   a. A legal description of the property;
   b. Show utility and easement locations;
   c. Show proposed location, indicate direction, and list amount of illumination of proposed lighting;
   d. Show topography by contour lines of not more than five feet intervals;

e. The location and dimensions of existing and proposed structures that indicate the number of stories, gross floor area, and entrances to all structures;
f. Show the location of all parking, loading, and walkway areas;
g. List the type of surfacing and base course proposed for all parking, loading, and walkway areas;
h. Note of face of plan that says all storage is limited to inside the building;
i. Provision of a note on the face of the plan stating, "The Conditional Use Permit will be re-evaluated by the County Commission in February 2008. The CUP will expire in February 2013. Continuation of the use beyond February 2013 will require rezoning or approval of a new CUP"; and

4. Forwarding of a separate recommendation from the Lecompton Planning Commission prior to this item being scheduled for action by the Board of County Commissioners.

It should be noted that the Lecompton Planning Commission also voted unanimously to approve the CUP. Jones made a motion to approve CUP-10-11-02 subject to the above conditions. Motion was seconded by McElhaney and carried unanimously.

PLANNING 01-27-03

The Board considered SP-01-02-03: to permit a radio tower at property on the east side of Highway 24/59, approximately 600' north of Highway 24/40. Submitted by Paul Werner Architects, L.L.C. for Capitol Concrete, property owner of record. Brian Pedrotti, staff member of the Lawrence-Douglas County Metropolitan Planning Department, presented this item. The applicant proposes to construct a radio tower with a maximum height of 80' at the future site of Capitol Concrete on the east side of Highway 24/59, approximately 600' north of Highway 24/40. The subject property is Lot 1 of Maple Grove North #3, a county plat located between two pieces of incorporated land. The property is located within an I-2 (Light Industrial) District, which allows towers less than 100' in height as permitted uses.

The applicant has requested approval of a BX-64 series tower. No additional equipment is required at the base of this type of tower. The tower proposed will be located so that it is set back at least 90' from all property lines to allow for a proper fall zone. No other changes to the site plan are proposed, and the tower proposal meets the requirements of the I-2 zoning district. McElhaney made a motion to approve SP-01-02-03; Jones seconded and the motion carried unanimously.

ZONING & APPOINTMENTS 01-27-03

The Board conducted a joint meeting with the Board of Zoning Appeals. The Board recommended that the Board of Zoning Appeals return with recommendations regarding set backs, limits on reapplying for permits, and term limits. No action was taken.

PUBLIC WORKS 01-27-03

The Board considered the Dust Palliative program policies for 2003. Keith Browning, Director of Public Works/County Engineer, was present for the discussion. Browning noted that in past years the County has brokered this program with residents paying for the actual cost of material used plus an administrative fee to help absorb inspection and administrative costs. Johnson made a motion to grant permission to continue the brokerage of a dust palliative program with an up front user fee of $0.75/linear foot ($0.50/l.f. for dust palliative material and an additional $0.25/l.f. user fee to cover road preparation costs), plus an administrative fee of $45 per applicant; and authorize advertisement for bidders once the application process has been completed. Motion was seconded by Jones and carried unanimously.

BUDGET 01-27-03

Craig Weinaug, County Administrator, presented a summary of Governor Graves' budget cuts to the Board. Weinaug explained that the only difference in Governor Sebelius' budget was not to cut the Highway Fund Aid to Cities and Counties of 10%. Weinaug recommended that the Board cut just under $1.5 million of the 2003 Budget. The Board agreed with Weinaug's recommendations.

Weinaug then explained that there were four items that needed further discussion: Soil Conservation, Noxious Weeds, closure of the Baldwin Satellite Office and District Court budgets. Weinaug recommended these budgets be cut by 5%.

Soil Conservation: The Board agreed with staff recommendations.

Noxious Weeds: The Board agreed with staff recommendations. Johnson and Jones want to remove the requirement for the subsidy on the chemicals. This needs to be added to a list that will be presented to Legislators listing the Counties concerns.

District Court: The Board agreed with staff recommendations.

Baldwin Satellite: Weinaug's initial recommendation was to enter into a cooperative agreement with the City of Baldwin which would necessitate a change in the law. If this change could not be accomplished, then the only two options would be to leave the Baldwin Satellite as is or close it all together. Pat Wells, Douglas County Treasurer, stated that she would not

support a contract with the City of Baldwin. Wells noted that the Department of Revenue and the Kansas Treasurer's Association would not support it because of the statute. Wells expressed concern with privacy act and control. It was the consensus of the Board that staff be directed to amend the 2003 budget as recommended with the closing of the Baldwin Satellite Office, and that approval by the Board be placed on the Consent Agenda on 2/3/03.

ACCOUNTS PAYABLE 01-27-03

Jones moved approval of accounts payable in the amounts of $195,354.66 to be paid 01/21/03 and $144,858.26 to be paid 01/27/03; manual checks in the amount of $766.00; payroll in the amount of $569,355.37; and electronic funds transfers in the amounts of $42,071.97 for FICA, and $32,887.07 for KPERS to be paid 1/24/03. McElhaney seconded and the motion carried unanimously.

APPOINTMENTS 01-27-03

Johnson made a motion to nominate Lynn Parman to the Board of Directors for Local Area II Workforce Investment Board, Heartland Works Inc. Jones seconded and the motion carried unanimously.

MISCELLANEOUS 01-27-03

A letter was drafted and signed by the Board to the City Commission in support of the proposed Serologicals tax abatement approval that is to be considered by the Lawrence City Commission on January, 28, 2003. Based on the assumption that Serologicals Corporation will locate in East Hills Business Park in Douglas County, Kansas, which would create 40 new jobs initially and grow to 60 jobs over 3 years, with an average wage of $47,000.00 annually.

Johnson made a motion to adjourn; Jones seconded and the motion carried unanimously.

Bob Johnson, Chairman

Jere McElhaney, Member

ATTEST:

Patty Jaimes, County Clerk

Charles Jones, Member

FEBRUARY 3, 2003

Chairman Johnson called the meeting to order at 9:02 A.M. on Monday, February 3, 2003. All members were present. The Pledge of Allegiance was recited.

PROCLAMATION 02-03-03
Johnson read a proclamation proclaiming the month of February as "Abstinence Awareness Month." McElhaney moved approval of the proclamation as read, seconded by Jones and carried unanimously.

CONSENT AGENDA 02-03-03
Jones made a motion to approve the following Consent Agenda:

- Approve Commissioners Order Nos. 5109 and 5110. Orders are on file in the office of the County Clerk;
- Authorize notice to Clinton Township for Clinton Marina;
- Note receipt of December fee reports;
- Authorize transaction to acquire drug sniffing dog for the Sheriff's Office;
- Find and determine that the requested annexation of approximately 48 acres of City owned property generally located south of U.S. Hwy. 24/40 and West of E 1600 Road will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Douglas County, all as provided by K.S.A. 12-520c; and
- Authorize Douglas County budget for expenditures be revised as follows:

DEPARTMENT	DESCRIPTION	Total Dept 2003 Cut	2003
ADM. SERVICES	Not fund microfilm clerk	($41,233)	($11,233)
ADM. SERVICES	Physical Fitness		($30,000)
APPRAISER	Two positions	($59,998)	($59,998)
CLERK	Prof. Services	($6,500)	($1,500)
CLERK	Furniture		($5,000)
COLA	2% COLA instead of 3%	($120,129)	($120,129)
COMMISSIONERS	Prof. Studies	($15,000)	($15,000)
CORONER	Travel/Education	($2,000)	($2,000)
COUNTYWIDE	Travel/Education	($30,736)	($18,736)
COUNTYWIDE	Copiers		($12,000)
COURT TRUSTEE	Eliminate Dept	$0	$0
DISTRICT ATTORNEY	No options	$0	$0
DISTRICT COURT	Reduction in budget	($25,000)	($25,000)
ELECTION	Transfer to ER	($15,000)	($5,000)
ELECTION	Furniture		($10,000)
EMER. COMMUNICATIONS	Training	($26,437)	($990)
EMER. COMMUNICATIONS	Not fund 3 new positions		($24,787)
EMER. COMMUNICATIONS	Uniforms		($660)
EMER. MGT.	Hazardous Materials	($14,000)	($14,000)
FIRE/MEDICAL	Cots & Crutches	($59,588)	($5,200)
FIRE/MEDICAL	Not fund 3 new positions		($54,388)

INFORMATION TECHNOLOGY	Maintenance/Replacement		($20,900)
INFORMATION TECHNOLOGY	Imaging	*($97,400)*	($60,000)
INFORMATION TECHNOLOGY	Server replacement		($16,500)
MAINTENANCE	Not fund 1 Bldg. Worker		$0
MAINTENANCE	Fairground Laborer		($9,323)
MAINTENANCE	Fair - Temp. Hire		($4,000)
MAINTENANCE	Service Equipment	*($29,823)*	($5,000)
MAINTENANCE	Fair - Supplies		($5,000)
MAINTENANCE	Yards & Grounds Materials		($6,500)
NOXIOUS WEEDS	Temporary Hire		($3,960)
NOXIOUS WEEDS	Transfer to Equip. Reserve	*($9,960)*	($6,000)
PARKS	Temporary Hire		($10,000)
PARKS	Rip Rap	*($15,000)*	($5,000)
PUBLIC WORKS	Prof. Services		($5,000)
PUBLIC WORKS	Sealing Contracts		($100,000)
PUBLIC WORKS	Striping Contracts		($25,000)
PUBLIC WORKS	Oper. & Maint. Supplies	*($150,000)*	($4,000)
PUBLIC WORKS	Misc. Equipment		($7,000)
PUBLIC WORKS	Easements		($4,000)
PUBLIC WORKS	Equip. Reserve		($5,000)
REGISTER OF DEEDS	Furniture		($1,525)
REGISTER OF DEEDS	Elim. PT position	*($10,025)*	$0
REGISTER OF DEEDS	Maintenance		($8,500)
SHERIFF	Replace capts with deputies		($44,154)
SHERIFF	Elim. 1 deputy position	*($44,154)*	$0
TREASURER	Eliminate Baldwin services entirely	*($26,136)*	($24,136)
TREASURER	Transfer to ER		($2,000)
YOUTH SERVICES	Not fund .25 grant CORF1		($14,489)
YOUTH SERVICES	Misc. cuts	*($44,539)*	($30,050)
ZONING	Overtime		($1,000)
ZONING	Not fund .5 of clerical	*($39,983)*	$0
ZONING	Not fund 1 full time position		($38,983)
CIP	Storage & Maint. Shop	*($540,000)*	($540,000)
OUTSIDE AGENCIES	Proposed cuts	*($62,719)*	($62,719)
TOTALS			($1,485,360)

McElhaney seconded and the motion carried unanimously.

PLANNING 02-03-03

The Board considered SP-21-91-02 -- a site plan for the remodeling of a building for a warehouse and showroom located at 1849 E 1450 Road. Submitted by Rod and Kathy Griffin, property owners of record. Sandra Day, staff member of the Lawrence-Douglas County Metropolitan Planning Department, was present for the discussion. Rod Griffin, property owner, was also present for the discussion. The subject property is located on the west side of Highway 59 (N 3rd Street extended) and adjacent to the Union Pacific Railroad (along the west property line). It is currently developed with a warehouse building and exterior material storage yard. The building was originally constructed in 1970 and was not previously site planned. Section 19A-2 of the County Zoning Regulations state, "No building permit shall be issued for the erection or alteration of a structure or building until a site plan has been submitted and approved for B-1, B-2, B-3, I-1, I-2, I-3, and I-4." Therefore, the applicant has submitted a site plan to fulfill this requirement prior to building permit issuance. The proposed request is minor in nature and reflects both a change in use (tool sales to contractors office/

warehouse use) and an update of the current improvements to the site. Staff recommends approval subject to the following condition:

1. Correct scale of drawing so that text and drawing correspond.

McElhaney made a motion to approve SP-12-91-02 subject to the above condition. Johnson seconded and the motion carried unanimously.

PUBLIC WORKS & RESOLUTIONS 02-03-03

The Board considered approval of a resolution prohibiting parking on sections of Routes 1-W and 1-E near Lone Star Lake Dam and Spillway. Keith Browning, Director of Public Works/County Engineer, was present for the discussion. Browning explained that the floodwall was constructed as part of the spillway reconstruction project, and was required to meet minimum freeboard requirements established by the state Division of Water Resources. Prior to construction of the floodwall, there was room for vehicles to pull off the road and park in this area. The floodwall removed this small parking area. Following completion of the floodwall, a few motorists have continued to park in this area. Parked vehicles in this location now impede traffic on Route 1-E. It is also desired to prohibit parking through the spillway area. This prohibition is to ensure public safety in case of a sudden rise in lake level, and to ensure flow in the spillway is not impeded. Jones made a motion to approve Resolution No. 03-04 prohibiting parking on Sections of Routes 1-W and 1-E near Lone Star Lake Dam and Spillway. Motion was seconded by McElhaney and carried unanimously.

ACCOUNTS PAYABLE 02-03-03

McElhaney moved approval of accounts payable in the amount of $251,441.19 to be paid 2/3/03 and ACH Bank Transfer in the amount of $38,012.50 to be paid 2/28/03. Jones seconded and the motion carried unanimously.

MISCELLANEOUS 02-03-03

Jones noted there would be a discussion on vicious dogs on Friday, February 14, 2003 at 3:00 P.M. in the Commission Meeting Room.

Johnson made a motion to adjourn; Jones seconded and the motion carried unanimously.

Bob Johnson, Chairman	Jere McElhaney, Member
ATTEST:	
Patty Jaimes, County Clerk	Charles Jones, Member

FEBRUARY 24, 2003

Chairman Johnson called the meeting to order at 9:05 A.M. on Monday, February 24, 2003. All members were present. The Pledge of Allegiance was recited.

Jones made a motion to approve the minutes of November 8, 2002; McElhaney seconded and the motion carried unanimously.

CONSENT AGENDA 02-24-03
McElhaney made a motion to approve the following Consent Agenda:

- Approve Commissioners Order No. 5114. Order is on file in the office of the County Clerk;
- Approve Resolution No. 03-06 granting a cereal malt beverage license to Clinton Marina Store;
- Approve Resolution No. 03-07 granting a cereal malt beverage license to Clinton Store; and
- Note receipt of State Forfeitures per K.S.A. 60-4117(d)(2).

Johnson seconded and the motion carried unanimously.

FAIRGROUNDS 02-24-03
The Board discussed amendments to the Fairgrounds Reservations Agreements. Bill Bell, Director of Buildings and Grounds, and Paula Phillips, Director of Emergency Management, were present for the discussion. Revisions to the current agreement form is necessary in case an emergency situation arises requiring the County to take over the buildings under a declaration of disaster. After discussion, Jones made a motion to approve the following amendment to the Fairgrounds Reservations Agreements:

> We understand that the County reserves the right to use all or any portion of the 4-H Fairgrounds Facilities for emergency response purposes in the event of a declaration of a federal, state, or local emergency or disaster. Therefore, in the event of such a declaration, we agree that the County can terminate our reservation without notice and without liability.

and the following amendment to the standard reservation confirmation form:

> The County reserves the right to use all or any portion of the 4-H Fairgrounds Facilities for emergency response purposes in the event of a declaration of a federal, state, or local emergency or disaster. Therefore, in the event of such a declaration, the County may terminate this reservation without notice and without liability, provided that the County uses the Facility for related emergency preparedness and emergency response purposes.

McElhaney seconded and the motion carried unanimously.

PLANNING 02-24-03
The Board considered Item No. 11 of the minutes of the Lawrence-Douglas County Metropolitan Planning Commission dated January 22, 2003. This item is CUP-08-09-02: A conditional Use Permit for storage of excavation, trucking, and farm equipment. The property is generally located at 1768 E 1100 Road. Submitted by Paul Werner Architects for North 40 LC, property owners of record. Sandra Day, staff member of the Lawrence-Douglas County Metropolitan Planning Department, presented the item. Mark Andersen, attorney for the applicant, was also present for the discussion. This item comes to the Board with a recommendation for approval, based on the following Findings of Fact:

Zoning and uses of property nearby. Subject property is located in an existing residential zoning district (east of E 1100 Road) and borders agricultural uses to the north and west. Several existing homes are located south of the subject property along E 1100 Road. A residential subdivision [Stonegate] is developing to the far east of the subject property. The Lawrence City Limits are within one mile of the subject property to the south.

Character of the area. The immediately surrounding area to the east and west is undeveloped and is used for agricultural purposes. The area to the south and far east are developed with single-family residential homes. A narrow parcel of land approximately 100' wide separates the subject property from the Kansas Turnpike on the north side of the property. The general area is heavily wooded and hilly, it includes meadow/pasture area throughout the area. The current character is rural. This property is within the urban growth area and the future land use will alter this character to a more suburban residential type neighborhood.

Suitability of subject property for the uses to which it has been restricted. The Subject property is a portion of a larger 32-acre tract under the same ownership. The property has not been platted or subdivided. The structure was built in 1999 per the County Appraiser Office's records and is classified as a commercial building. Traditional commercial uses are not acceptable in this location as the access is limited and requires neighborhood pass-through to reach the property.

The revised application addresses the intensity of use, which would be acceptable within this area. However, the underlying question of warehouse storage facility, which is not a permitted conditional use, versus a truck storage facility must still be resolved. If approved for truck storage, the proposed Conditional Use Permit will not change the underlying base county residential zoning nor will it permit warehousing of apartment furniture and cabinetry for a rental business.

Length of time subject property has remained vacant as zoned. The subject property is part of a larger 32.34-acre tract and has been zoned R-1 since the original adoption of county zoning in 1966. The property was vacant until 1999 when the structure was erected. It is classified as a commercial building according to the County Appraiser's Office though it was built as an agricultural building. Agricultural buildings do not require building permits. This structure was noted by the County Zoning Office as violating the County zoning and building codes. The applicant is seeking to resolve the noted violations and retain the use of the building for storage purposes.

Extent to which removal of restrictions will detrimentally affect nearby property. The subject property is located within the Urban Growth Area and is anticipated to develop residentially over time. E 1100 Road is a local road that provides access to the adjacent residential homes in the area and also provides access to the subject property. Approval of the CUP will not alter the base zoning. The applicant has proposed self-limiting conditions that minimize the impact that had originally been a concern for Staff and the Township. This modification in use and access for truck storage would not detrimentally impact adjacent properties.

Relative gain to the public health, safety and welfare by the destruction of the value of the petitioner's property as compared to the hardship imposed upon the individual landowners. No significant gain to the public is provided by approval of this use. A marginal hardship to the existing adjacent landowners and township road maintenance is recognized. The area is isolated and is not directly accessible. As the area develops, this use will become obsolete and incompatible.

Conformance with *The Comprehensive Plan*. *The Comprehensive Plan* supports the retention of industrial uses and limited expansion of existing industrial districts outside of the urban area. A Conditional Use Permit can be used to allow limited commercial and industrial usage such as truck storage.

AND subject to the following conditions:

1. Approval of the CUP shall be limited to 5 years at such time the applicant must reapply prior to continuation of the use;
2. Provision of a revised site plan to show the following:
   a. Show existing E1100 Road right-of-way;
   b. Show front building setback along west property line and side building setback along south property line;
   c. Provide reference for drainage easement including Book & Page number;

d. Show that portion of the subject property that is located within the special hazard district flood zone including the map and date references from FEMA; and
e. Provision of a revised legal description that cites the full parent parcel that matches the County records and the sub-parcel proposed.

3. Provision of a revised site plan to include the following notes:
   a. "No restroom facilities are provided. If a restroom is provided the structure shall be required to meet ADAAG requirements on the site plan as well as actual building construction.
   b. Provision of a note that clarifies the proposed use of the building as truck and mower storage only."
   c. "All access will be limited to automobiles, pickup trucks or other light-duty trucks not to exceed five-ton load limit, and the Applicant shall, at its sole expense, repair all damage to East 100 Road caused by the applicant's use of such road."
   d. "No outside storage of equipment or materials."
   e. "No burning."
   f. "No night uses."
   g. "Exterior safety lighting is permitted."
   h. "No excessive noise."
   i. "No construction debris shall be dumped or disposed of on site."
4. Revise site plan to remove notes related to exterior storage.

Commissioner Jones stated that he did not support approval of this CUP due to the history of compliance problems. McElhaney stated that he had spoken with staff and the applicant and his concerns have been addressed. He noted that this does fall within the CUP requirements. Jones then stated that it should be made very clear that the County intends to enforce the CUP. Motion was made by Johnson to approve CUP-08-09-02 subject to the above conditions. Motion was seconded by McElhaney and carried with Jones opposed.

PLANNING 02-24-03

The Board considered Item No. 12 of the minutes of the Lawrence-Douglas County Metropolitan Planning Commission dated January 22, 2003. This item is CUP-12-17-02: Conditional Use Permit request for a storage shed at Creekwood Lawn Company. The property is generally described as being located at 1753 N 700 Road. Requested by Shelby Franklin, property owner of record. Sandra Day, staff member of the Lawrence-Douglas County Metropolitan Planning Department, presented the item. This item comes to the Board with a recommendation for approval, based upon the following Findings of Fact:

Zoning and uses of property nearby. The subject property and surrounding area is zoned for agricultural uses.

Character of the area. The subject property is located two and a half miles north of Baldwin within the Vinland community. This area is characterized as a rural residential area and includes both agricultural and residential uses as well as a small airfield facility. The subject property is outside of any incorporated city's growth area and is predominantly an agricultural neighborhood including rural residential homes. The subject property is adjacent to county roads on two sides and has direct access to a paved county maintained road.

Suitability of subject property for the uses to which it has been restricted. A Conditional Use Permit (CUP) does not change the base, underlying zoning. The suitability of the property for agricultural or rural residential use will not be altered. The subject property is not located within an Urban Growth Area. The subject property area is zoned for agricultural uses. The subject property is a five-acre tract suitable for future rural residential development.

Length of time subject property has remained vacant as zoned. The subject property is developed with an existing storage building for machinery equipment. The structure was constructed as an agricultural building; therefore no building permit was issued. The County Zoning Regulations were adopted in 1966, this property has been zoned "A (Agricultural)" since that time.

Extent to which removal of restrictions will detrimentally affect nearby property. Approval of the CUP will provide an opportunity for the applicant to be compliant with the minimum zoning regulations and standards until such time as a single-family house is constructed. As a Conditional Use Permit, the issues of screening and buffering to reduce undesirable impacts such as noise and view on residential properties to the west can and should be provided.

Relative gain to the public health, safety and welfare by the destruction of the value of the petitioner's property as compared to the hardship imposed upon the individual landowners. There is no identified relative gain or detriment to the public's health, safety and welfare by permitting development of this use as a Conditional Use Permit. The underlying A (Agricultural) zoning remains unchanged.

Conformance with *The Comprehensive Plan.* A Conditional Use Permit can be used to allow limited commercial and industrial expansion or establish new or temporary areas for certain non-residential uses. This tool allows proportional development in harmony with the surrounding area. As recommended by *Horizon 2020,* the proposed request is, in the short term, consistent with the *Comprehensive Plan.* As a more detailed study of industrial locations is completed for the unincorporated area, the longevity of the appropriateness may be affected.

AND subject to the following conditions:

1. Provision of a note on the face of the site plan stating, "The Conditional Use Permit will be re-evaluated by the County Commission in February, 2008. The CUP will expire on February 28, 2003. Continuation of the use covered by this CUP beyond February 28, 2013 the applicant will need rezoning or approval of a new CUP."
2. Provision of a revised site plan to include the following changes:
   a. Show present and proposed topography at 5'-0" intervals. (19A-4.4)
   b. Provide a note stating: "Work activity on the site shall be limited to the servicing of equipment and/or work vehicles and the pick up or delivery of such equipment/vehicles."
   c. State on the plan if there are restroom facilities on this property.
   d. Show any utilities to this building.
   e. Show dimension of adjacent roadways.
   f. Provision of a note on the face of the site plan that states; "The approved use for this site is an interior equipment storage facility for vehicles, mowers and related lawn care machinery for the applicant. Repair, and/or servicing stored vehicles and equipment, other than those necessary for standard maintenance and upkeep, is expressly prohibited."
   g. Provision of a note on the face of the site plan that states; "Any exterior storage of material shall be completely screened per Section 19-4(24) of the County Zoning Regulations."
   h. Provision of a note on the face of the site plan that states: "The addition of exterior storage of materials shall first require a revision to the site plan portion of the CUP."
   i. Provision of a note regarding existing landscape per Douglas County Zoning Regulations 19A-4.10.

Jones made a motion to approve CUP-12-17-02 subject to the above conditions. Motion was seconded by Johnson and carried unanimously.

OUT-DISTRICT COMMUNITY COLLEGE TUITION STATEMENTS 02-24-03
Jones moved approval of the five (5) Out-District College Tuition Statements in the amount of $12,396. Motion was seconded by Johnson and carried with McElhaney opposed.

ACCOUNTS PAYABLE 02-24-03
Jones moved approval of accounts payable in the amount of $125,938.65 to be paid 2/10/03; $2,434,805.28 to be paid 2/17/03; accounts payable manual checks in the amounts of $766.00, $1,063.90, $116,806.50, and $5,000.00; payroll in the amount of $557,573.03; and electronic funds transfers in the amounts of $41,188.00 for FICA and $32,822.70 for KPERS to be paid 2/21/03. Motion was seconded by McElhaney and carried unanimously.

APPOINTMENTS 02-24-03
McElhaney made a motion to reappoint Roy Paslay, 309 Elmore, Lecompton, KS, and Paul Hamersky, 2119 E 300 Road, Lecompton, KS to the Fire District No. 1 Board of Trustees, which terms shall expire December 31, 2003.

APPOINTMENTS 02-24-03
McElhaney made a motion to reappoint the following individuals to the Douglas County Senior Services Board of Directors, which terms shall expire December 31, 2004:

Debbie Heinrich, 557 E 1750 Road, Baldwin City, KS;
Joseph Marzluff, 4807 Brandon Woods Terrace, Lawrence, KS;
Charlene Winter, 638 N 1800 Road, Lecompton, KS;
Jim Ralston, 3005 W. 26th, Lawrence, KS;
Ralph Ruhlen, 610 N 6th Street, Baldwin City, KS; and
Virginia Seaver, 600 Louisiana, Lawrence, KS;

and appoint the following individuals, which terms shall expire December 31, 2004:

Lori Garber, 604 N 1602 Road, Lawrence, KS;
Fred Madaus, 2716 Stone Barn Terrace, Lawrence, KS; and
David Mattern, 3006 Longhorn Drive, Lawrence.

Jones seconded and the motion carried unanimously.

MISCELLANEOUS 02-24-03
At 10:45 A.M., Jones made a motion that the Board recess to go into Executive Session for 10 minutes with Craig Weinaug, County Administrator, to discuss possible acquisition of real estate. McElhaney seconded and the motion carried unanimously. The Board returned to regular session at 10:49 A.M. No action was taken.

EXECUTIVE SESSION 02-24-03
At 10:20 A.M. Jones made a motion that the Board recess to go into executive session with Evan Ice, County Counselor, and Craig Weinaug, County Administrator, for 30 minutes to discuss possible acquisition of real estate. No action was taken.

Johnson made a motion to adjourn; Jones seconded and the motion carried unanimously.

Bob Johnson, Chairman

Jere McElhaney, Member

ATTEST:

Patty Jaimes, County Clerk	Charles Jones, Member

FEBRUARY 28, 2003

The Board of County Commissioners of Douglas County, Kansas met in special session on Friday, February 28, 2003 with all members present. The purpose of the special meeting was to canvass the results of the City/School Primary Election which was held on Tuesday, February 25, 2003. Chairman Johnson called the special meeting to order at 9:05 A.M. The Pledge of Allegiance was recited.

Patty Jaimes, County Clerk, reported there were one hundred forty-four (144) provisional ballots. Jaimes made the recommendation that the Board count one hundred ten (110) of the provisional ballots. These were cast by voters that either moved and failed to re-register or had a name change. Jaimes then recommended that the remaining thirty-four (34) not be counted, twenty-two (22) of which lacked signatures and the remaining twelve (12) were first time registrants. Jones made a motion that the Board approve Jaimes' recommendations. McElhaney seconded, and the motion carried unanimously.

It should be noted that after the additional ballots were counted, the election results were not changed and no errors were found.

AGREEMENTS & SHERIFF 02-28-03

Sheriff Trapp presented a Supplement to H.T.E., Inc. Software License and Services Agreement by and between H.T.E., Inc. and Douglas County, Kansas. Trapp explained that this contract was necessary in order to finalize the contract for the purchase mobile data units in the amount of $38,000 which was budgeted out of the 911 Fee Funds. Jones made a motion to authorize the Sheriff to execute the contract between H.T.E., Inc. and Douglas County. Motion was seconded by McElhaney and carried unanimously.

Johnson moved for adjournment, McElhaney seconded and the motion carried unanimously.

Bob Johnson, Chair

Jere McElhaney, Member

ATTEST:

Patty Jaimes, County Clerk

Charles Jones, Member

MARCH 3, 2003

Chairman Johnson called the meeting to order at 9:03 A.M. on Monday, March 3, 2003. Commissioners Johnson and Jones were present. Commissioner McElhaney was absent. The Pledge of Allegiance was recited.

PROCLAMATION 03-03-03
Peggy Wahlert, Cottonwood, Inc., read a proclamation proclaiming the month of March as "Mental Retardation and Developmental Disabilities Month." Johnson made a motion to adopt the proclamation as read; Jones seconded and the motion carried.

Commissioner McElhaney joined the meeting at 9:08 A.M.

Jones made a motion to approve the minutes of January 15 and February 3, 2003. McElhaney seconded and the motion carried unanimously.

CONSENT AGENDA 03-03-03
Johnson moved approval of the following Consent Agenda:

- Approve Commissioners Order Nos. 5115 and 5116. Orders are on file in the office of the County Clerk;
- Approve Resolution No. 03-08 appointing the District Coroner and Deputy District Coroner for the Seventh Judicial District for the Four-Year Term which commenced on January 11, 2003;
- Approve the purchase of 2,4-DA, Glyphosate, Remedy, Tordon 22K and 2,4-DLV from Lone Pine Ag-Serv's;
- Approve the Noxious Weed Management Plan; and
- Note receipt of fee reports for the month of January 2003;

Jones seconded and the motion carried unanimously.

AGREEMENTS & SHERIFF 03-03-03
The Board considered approval of an Interlocal Agreement between the Board of County Commissioners of Shawnee, Kansas, The City of Topeka, The City of Lawrence, the Board of County Commissioners of Douglas County, Kansas, and the Board of County Commissioners of Jefferson, Kansas to jointly participate in the use of a software system referred as a "COPLINK Knowledge Computing Corporation" in order to provide for greater efficiency and effectiveness of police protection and public safety in the region. Rick Trapp, Sheriff, was present for the discussion. Trapp explained that this is a knowledge management system that manages information and assists in solving crime. Each participating agency will be able to download all available information into the COPLINK database on a daily basis. This consolidated information will then be available for all five agencies to use for investigative and analytical purposes. The database should

enable all involved to become more effective in the common goal of reducing crime. The cost to Douglas County is seven thousand dollars ($7,000). Jones made a motion to authorize the Chair to execute the Interlocal Agreement, seconded by McElhaney and carried unanimously.

PROPERTY VALUATION 03-03-03
Marion Johnson, County Appraiser, presented the Annual Appraisal Report. No action was taken.

MISCELLANEOUS & PARKING 03-03-03
The Board discussed the County's policy on reimbursement of bus fare. Craig Weinaug, County Administrator, presented the item. Weinaug noted that during the renovation of the Judicial & Law Enforcement Center, the Board authorized the reimbursement of bus fare for employees as an incentive to utilize the bus system and relieve parking problems. Weinaug recommended the continuance of the reimbursement. Jones made a motion to continue the reimbursement, seconded by McElhaney and carried unanimously.

ACCOUNTS PAYABLE 03-03-03
Jones moved approval of accounts payable in the amount of $248,664.03 to be paid 2/24/03; $508,981.91 to be paid 3/3/03, and $38,157.50 to be paid 3/3/03. McElhaney seconded and the motion carried unanimously.

MISCELLANEOUS 03-03-03
At 10:17 A.M. Johnson made a motion that the Board recess to go into executive session for one (1) hour with Craig Weinaug, County Administrator; Pam Madl, Director of Administrative Services; and Evan Ice, County Counselor, to discuss potential litigation. Motion was seconded by Jones and carried unanimously. At 11:15 A.M., Johnson made a motion to extend the executive session until 12:15 P.M., seconded by McElhaney and carried unanimously. The Board returned to regular session at 12:05 P.M. No action was taken.

Johnson moved for adjournment; Jones seconded and the motion carried unanimously.

Bob Johnson, Chair	Jere McElhaney, Member
ATTEST:	
Patty Jaimes, County Clerk	Charles Jones, Member

MARCH 10, 2003

Chairman Johnson called the meeting to order at 9:05 A.M. on Monday, March 10, 2003. All members were present. The Pledge of Allegiance was recited.

McElhaney made a motion to approve the revised minutes of November 4, and December 2, 2002, and the minutes of February 12, 2003. Jones seconded and the motion carried unanimously.

CONSENT AGENDA 03-10-03
Jones moved approval of the following Consent Agenda:

- Approve Commissioners Order Nos. 5119 and 5120. Orders are on file in the office of the County Clerk; and
- Award the following bids for various signs, posts, and miscellaneous materials for county and township use as recommended by the Director of Public Works:

National Sign	$3,303.55
Kansas Correctional Ind.	$222.33
Custom Products	$3,800.28
Rocal, Inc.	$2,283.30
Hall Signs	$316.50
Signs & Blanks, Inc.	$6,265.63
3M Company	$440.00
Bid Total	$16,631.59

McElhaney seconded and the motion carried unanimously.

PUBLIC WORKS & PURCHASING 03-10-03
The Board discussed bids received for asphaltic concrete material for use during the 2003 road maintenance season. Keith Browning, Director of Public Works/ County Engineer, was present for the discussion. Browning noted that only one (1) supplier, LRM Industries, submitted a bid this year. Typically, Asphalt Sales also bids on the supply contract, but they are undergoing an ownership change and did not feel comfortable submitting a bid. McElhaney made a motion to approve the contract with LRM Industries, Inc. for the supply of 5,001 tons to

13,000 tons of BM-2 asphaltic concrete at the unit price of $22.15 per ton. Motion was seconded by Jones and carried unanimously.

PUBLIC WORKS & PURCHASING 03-10-03

The Board then discussed bids received for road maintenance aggregates. Jones made a motion to accept the bids from Hunt Midwest for AB-3 in the amount of $10,000 for 2,000 tons from the Lawrence quarry and $42,500 for 10,000 tons from the Globe quarry; and accept the bid of $30,875 from Hunt Midwest (Globe quarry) for 6,500 tons of SS-3. Motion was seconded by McElhaney and carried unanimously.

MISCELLANEOUS 03-10-03

Lynn Parman, Vice President of Economic Development of the Lawrence Chamber of Commerce, presented an economic development update. No action was taken.

PARKS — BLACK JACK 03-10-03

The Board discussed the submission of a letter to the Historical Society with respect to the Black Jack Battleground. Johnson explained that since there is significant controversy with regard to the appropriate role of SHPO in regulating land use in the environs of sites that have been recognized by the state as being historically significant, he was raising the question as to whether Douglas County should request that the consideration of the Black Jack battle site be tabled. Kerrie Altenbernd was also present for the discussion. It was the consensus of the Board that the letter not be submitted to the Historical Society.

ACCOUNTS PAYABLE 03-10-03

Jones moved approval of accounts payable in the amount of $85,039.31 to be paid 3/10/03; accounts payable manual checks in the amount of $766.00; payroll in the amount of $554,864.71; and electronic funds transfers in the amounts of $40,991.47 for FICA and $32,392.83 for KPERS to be paid 3/7/03. McElhaney seconded and the motion carried unanimously.

ZONING 03-10-03

Mike Garber appeared before the Board with a request for a variance to Home Rule Resolution No. HR-02-8-4, which prohibits the issuance of permits for the construction or placement of dwellings and mobile homes on tracts of land gaining primary access through minimum maintenance roads. Keith Dabney, Director of Zoning and Codes, was also present for the discussion. Dabney stated that Mr. Garber had submitted an application for a multi-purpose building which would include kitchen facilities for family gatherings. Dabney noted that according to the zoning regulations, one (1) primary dwelling is allowed on a piece of property. If a second building is built that includes a kitchen, it is considered a 2nd dwelling. Mr. Garber does have adequate acreage that would allow him to divide the property in such a manner that would allow the dwelling,

however Home Rule Resolution No. HR-02-8-4 prohibits issuance of building permits on minimum maintenance roads. Dabney also noted that Mr. Garber had gone before the Board of Zoning Appeals requesting the variance which was denied. Mr. Garber stated that Kanwaka Township would like to remove the minimum maintenance designation, but is unable to do so at this time because of budgetary constraints. McElhaney stated that he would meet with Kanwaka Township to see what their time line is for requesting that the minimum maintenance designation be removed. No action was taken at this time.

Johnson moved for adjournment; McElhaney seconded and the motion carried unanimously.

Bob Johnson, Chairman

Jere McElhaney, Member

ATTEST:

Patty Jaimes, County Clerk

Charles Jones, Member

MARCH 12, 2003

The Board of County Commissioners of Douglas County, Kansas, conducted a joint meeting with the Lawrence City Commission on Wednesday, March 12, 2003. Chairman Johnson called the joint meeting to order at 11:00 A.M. with all members present. The Boards discussed the following:

- 31st Street feasibility study, possible projects extending Kasold over the Trafficway and the Wakarusa River and possible short-term improvements to Kasold; and
- Update on the Sanitary Sewer Master Plan process.

At 11:57 A.M., Johnson made a motion that the Boards go into executive session until 1:30 P.M. to discuss possible land acquisition. Motion was seconded by Jones and carried unanimously. The Boards returned to regular session at 1:20 P.M. No action was taken.

Johnson made a motion that the Board adjourn until 6:35 P.M. for their regular meeting. Motion was seconded by McElhaney and carried unanimously.

Chairman Johnson called the meeting to order at 6:35 P.M. on Wednesday, March 12, 2003. All members were present. The Pledge of Allegiance was recited.

CONSENT AGENDA 03-12-03
Jones moved approval of the following Consent Agenda:

- Approve Commissioners Order Nos. 5121, 5122, 5123 and 5124. Orders are on file in the office of the County Clerk.

Motion was seconded by McElhaney and carried unanimously.

ZONING 03-12-03
The Board discussed a request from Tom Stein for a variance of Home Rule Resolution No. 02-3-1 with regard do the 250' road frontage requirement. Mr. Stein is requesting the variance for his property located at 1248 E 2100 Road, Eudora, KS, in order to subdivide it into 2 lots. The subdivision would include the existing home and approximately 9 acres and a second lot of 5+ acres on which a new home would be constructed. Keith Dabney, Director of Zoning & Codes, was present for the discussion. Jones stated that he would not support the variance since other individuals with compelling reasons have made requests for variances which were not granted. The Board suggested that Mr. Stein attempt to resolve this issue without the need for the variance. No action was taken.

MISCELLANEOUS 03-12-03

The Board discussed the possible initiation of a county government reorganization process. Johnson stated that he thought it would be a good idea to take a look at where the County is and raise questions as to procedures and see if there were better ways of getting things accomplished. Johnson noted that he would expect this to be a lengthy process with lots of input. Jones stated that he has asked for input from several people and he doesn't object to the discussion. McElhaney stated that he was open to dialog. No action was taken.

ACCOUNTS PAYABLE 03-12-03
Jones moved approval of accounts payable manual checks in the amount of $1,988.00; McElhaney seconded and the motion carried unanimously.

MISCELLANEOUS 03-12-03
Jones made a motion to authorize the Chair to execute a Confidentiality Agreement between the Board of County Commissioners of Douglas County, Kansas and Farmland Industries, Inc. Motion was seconded by McElhaney and carried unanimously.

Johnson made a motion to adjourn; McElhaney seconded and the motion carried unanimously.

Bob Johnson, Chair	Jere McElhaney, Member
ATTEST:	
Patty Jaimes, County Clerk	Charles Jones, Member

APRIL 7, 2003

Chairman Johnson called the meeting to order at 9:04 A.M. on Monday, April 7, 2003. All members were present. The Pledge of Allegiance was recited.

Jones made a motion to approve the minutes of October 23, November 25, December 11, December 23, 2002, January 6, January 8, and January 13, 2003. McElhaney seconded and the motion carried unanimously.

PROCLAMATION 04-07-03
Kathy Colson read a Proclamation proclaiming the week of April 7-13, 2003 as "Public Health Week" in Douglas County. McElhaney made a motion to adopt the Proclamation as read, seconded by Jones and carried unanimously.

CONSENT AGENDA 04-07-03
Jones made a motion to approve the following Consent Agenda:

- Approve Commission Order Nos. 5129 & 5130. Orders are on file in the office of the County Clerk; and
- Approve the 2002 Township Annual Reports.

Motion was seconded by McElhaney and carried unanimously.

PURCHASING 04-07-03
The Board discussed bids received for the purchase of one (1) wide format copier. Jackie Waggoner, Purchasing Agent, explained that this would replace an existing copier in the Public Works Department. This equipment will also address needs in the Appraiser's Office, Register of Deeds, Zoning and Public Works. Proposals were solicited for a large format copier/scanner/printer that will be networked. This digital system will allow us to reproduce, manipulate and archive engineering images (e.g. plans, drawings, photos), and the versatility to interface with existing plotters. Funding for this expenditure is available through Public Works Equipment Reserve and the Register of Deeds Technology Fund. Waggoner explained that a committee of five (5) evaluated the proposals and narrowed the selection to three (3) providers. After demonstrations of the equipment, the committee chose the KIP 200 Stacker proposed by Drexel Technologies. Jones made a motion to accept the negotiated proposal in the amount of $28,973 from Drexel Technologies and that the existing equipment be offered to non-profit agencies and if there is no interest, the equipment be sold at auction. Motion was seconded by McElhaney and carried unanimously.

PUBLIC WORKS & PURCHASING 04-07-03
The Board discussed bids received for the supply and application of dust palliative material. Keith Browning, Director of Public Works/County Engineer, was present for the discussion. Bids were solicited for both 38% Calcium

Chloride solution and 32% Magnesium Chloride solution. Browning recommended that the low bid for magnesium chloride from Scotwood Industries be accepted. In addition to the dust palliative material, a water truck will need to be hired to pre-wet all locations. This cost is added to the cost of the dust palliative and is passed along to the users. McElhaney made a motion to accept the low bid for magnesium chloride from Scotwood Industries at a unit cost of $0.414 per gallon for the user fee dust palliative program. Motion was seconded by Jones and carried unanimously.

BUDGET 04-07-03
The Board conducted a preliminary discussion of the County Budget preparation for 2004. No action was taken.

ACCOUNTS PAYABLE 04-07-03
McElhaney moved approval of accounts payable in the amount of $172,459.56 to be paid 4/7/03; accounts payable manual checks in the amount of $766; payroll in the amount of $566,085.50; and electronic funds transfers in the amounts of $41,836.37 for FICA and $32,504.15 for KPERS to be paid 4/4/03. Motion was seconded by Jones and carried unanimously.

Jones moved for adjournment; McElhaney seconded and the motion carried unanimously.

Bob Johnson, Chairman

Jere McElhaney, Member

ATTEST:

Patty Jaimes, County Clerk

Charles Jones, Member

(1)(6)

Douglas County

Department of Public Works

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 KB
Michael D. Kelly, L.S., County Surveyor

DATE : June 13, 2003

RE : Consent Agenda
Project No. 23C-3688-01; County Route 1029; E. 600 Road
Acquisition of Construction Easement

As you are aware a road improvement project has been approved for a portion of County Route 1029 (E. 600 Road), located between County Route 438 (N. 1800 Road) and the southern city limits of Lecompton (N. 2050 Road). We are approximately two-thirds through the process to acquire the various easement needed to build the project.

The project will utilize 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 an appropriate offer for the required easement. In addition, also according to federal guidelines, a review appraisal was conducted to verify the initial appraiser's compliance with accepted appraisal techniques. The review appraisal was performed by county appraisal staff.

There are two (2) contracts in this batch requiring approval and the total expenditure for the contracts is in the amount of $14,750.00.

ACTION REQUIRED: Consent agenda approval is required to execute the attached CONTRACT's FOR HIGHWAY PURPOSES.

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

(1)(c)

CONDITIONS OF GRANT FROM
KANSAS JUVENILE JUSTICE AUTHORITY
TO THE
DOUGLAS COUNTY BOARD OF COUNTY COMMISSIONERS

A grant is given on the 1st day of July 2003, from the Kansas Juvenile Justice Authority, hereinafter referred to as "JJA", to the Douglas County Board of County Commissioners, hereinafter referred to as "GRANTEE". This grant and conditions to which both parties agree and which are enumerated below, remain effective until June 30, 2004. Acceptance of grant money indicates GRANTEE'S acknowledgement of and intent to comply with the conditions outlined below.

I. GRANTEE DUTIES

A. GRANTEE agrees to perform intake and assessment functions as required pursuant to K.S.A. 75-7023 and amendments thereto. GRANTEE agrees to perform juvenile intensive supervised probation functions as required pursuant to K.S.A. 75-7034 et. Seq. and amendments thereto. GRANTEE agrees to perform case management services for juvenile offenders placed in JJA custody.

B. GRANTEE shall comply with the requirements of the Interstate Compact on Juveniles. Compliance shall consist of, but is not limited to, the facilitation of assisting the Interstate Compact on Juveniles Deputy Compact Administrator with the return of run away juveniles to their home state, including transporting out-of-state runaways, escapees or absconders to local airports or other means of transportation as arranged by the juveniles home state.

C. GRANTEE agrees that all other programs receiving JJA funds, including but not limited to prevention, intervention or graduated sanctions, shall be managed based upon the community funding application of the GRANTEE as approved by JJA.

D. GRANTEE agrees to comply with the award conditions in Section III.

E. The Grantee shall comply with all of the requirements of the Health Insurance Portability &Accountability Act. (45 C.F.R. 164.504) The grantee compliance shall include but is not limited to disclosing only that information that is authorized by law, authorize by the juvenile offender or his parent or legal guardian, setting a time limit on the authorization and disclosure, taking appropriate safeguards to prevent use or disclosure of the records, keeping an accounting of all request for records and documenting its efforts of protection or release of relevant records.

II. JJA DUTIES

A. JJA shall establish applicable standards for each program for which none exist presently and may modify those in existence.

B. JJA or its agent may conduct audits of GRANTEE to determine their level of compliance with this agreement, program standards, Case Management Payment System Handbook, JJA Financial Rules and Guidelines for Grantees and applicable laws and regulations.

C. JJA shall maintain case management purchase of service funds for services in the JJA Provider Payment Guide and will be responsible for payment of non-Medicaid provider bills processed by the GRANTEE for services contained in the Payment Guide.

D. JJA shall be responsible for payment to SRS of Medicaid State match for Medicaid Behavior Management services contained in the Case Management Payment System Handbook.

E. JJA shall be responsible for GRANTEE'S on-going training relating to intake and assessment, juvenile intensive supervised probation and case management for the juvenile offender population covered by this grant.

F. JJA shall coordinate linkages between local communities and state agencies, including, but not limited to Kansas Department of Health and Environment, Kansas Department of Social and Rehabilitation Services, and Kansas Department of Corrections

III. AWARD CONDITIONS

A. CASE MANAGEMENT

1. GRANTEE shall make referrals directly to local providers and provide JJA with requested outcomes reporting as determined by JJA.
2. GRANTEE shall make staff available to the court when juvenile offenders are placed in the custody of JJA.
3. GRANTEE shall assume responsibility for each case from the time the offender is placed in the custody of JJA until such time as JJA custody is terminated.
4. GRANTEE shall notify SRS area office staff of all juvenile offender entrances into JJA custody and all terminations of JJA custody.

5. GRANTEE shall have access to services through Case Management Payment System Handbook at the rates denoted in the guide.
6. Any services other than those listed in the Case Management Payment System Handbook shall be paid from grant funds in accordance with the conditions of grant.
7. GRANTEE shall secure placements and review provider bills for accuracy.
8. GRANTEE shall secure, where feasible, effective alternatives to out-of-home placements and implement methods of providing court-ordered services to prevent juvenile offenders from entering JJA custody.
9. The Commissioner of JJA hereby delegates the authority to sign consents necessary in the administration of programs for juvenile offenders in the custody of the Kansas Juvenile Justice Authority to GRANTEE or to its designees.

B. ALL PROGRAMS

10. GRANTEE shall adhere to all applicable Federal/State laws and regulations, as well as JJA field standards, policies and procedures.
11. Services shall be provided to applicable juveniles residing or adjudicated in the ____ Judicial District.
12. GRANTEE shall maintain books, records, documents, and other evidence to show costs in such a manner so as to identify them directly with the delivery of services outlined in the grant.
13. State funds allocated to GRANTEE through this grant shall not be used to supplant GRANTEE'S present funding of services or programs.
14. Costs funded by Federal, State or Local funds may not be duplicated by State funds received through this program.
15. The GRANTEE shall maintain records and submit reports containing such information and at such times as required by JJA.
16. GRANTEE shall adhere to program budget summary forms as submitted to JJA; however, fund transfers between programs or budget line items shall be requested in writing by the GRANTEE prior to the effective date and require prior approval by JJA.
17. Reallocation of funds between line items in an individual program which equal or exceed 10% of the total budgeted grant amount or $5,000 shall be adopted by the Juvenile Corrections Advisory Board and the Board of County Commissioners prior to being submitted to the JJA for approval.
18. Reallocation of any funds between programs requires modification to the original funding request and shall be adopted by the Juvenile Corrections Advisory Board and the Board of County Commissioners prior to being submitted to the JJA for approval.
19. Program and fiscal records shall be retained for a minimum of three years (unless otherwise stipulated) after submission of the final report or until completion of an audit report. GRANTEE shall notify JJA of any circumstances, which impair the integrity, or security of such materials during the retention period.
20. GRANTEE shall set staffing levels commensurate with each type of caseload supervision.
21. GRANTEE shall be responsible to attend all applicable training sponsored by JJA.
22. GRANTEE shall provide staff that meets qualifications set by GRANTEE to assure quality juvenile offender services will be provided.
23. GRANTEE shall enter and update juvenile data as trained on the Juvenile Justice Information System.
24. GRANTEE'S performance of its obligations under this grant and its attachments is subject to audit by JJA, and in the event of either a finding, after audit, of unsatisfactory compliance with its obligations hereunder, or a finding based upon other evidence of a serious violation and/or lack of compliance with the Agreement, all applicable Federal/State laws and regulations, as well as JJA field standards, policies and procedures JJA may withhold part or all of any allocation due or to become due to GRANTEE as payment for services rendered hereunder [K.S.A.75-7023(e)].
25. All agreements between GRANTEE and member counties or subcontractors shall be in writing and shall require compliance with these award conditions. GRANTEE shall be responsible for ensuring compliance to these grant conditions by member counties, subcontractors and sub-grantees entering into agreements with the GRANTEE. If requested by JJA, the GRANTEE shall forward a copy to JJA of such agreements indicating compliance with this condition.

IV. TERMS

A. GRANTEE shall receive an allocation from JJA to operate intake and assessment, juvenile intensive supervised probation and case management programs during the term of this grant. This allocation is indicated in the Funding Allocation document, which is hereby incorporated by reference and is a part of this agreement.

B. This grant may be terminated by either party upon a minimum of ninety (90) days written notice to the other party. Upon termination, the unexpended balance of funding distributed to GRANTEE, shall be returned to JJA.

C. GRANTEE shall follow all applicable state and federal laws related to confidentiality of information in regard to juvenile offenders. This provision is not intended to hinder the sharing of information when necessary, appropriate and legal.

D. GRANTEE neither assumes nor accepts any liability for the acts or failures to act, professionally or otherwise, of JJA, its employees, and its contracted agents.

E. JJA, and the State of Kansas and their officials, employees or agents shall not be liable for any damages or costs arising from the cancellation, voiding, denial or withholding of funds to GRANTEE.

F. Any problems or issues regarding the terms of this grant shall be submitted in writing to the Commissioner of Juvenile Justice for review and resolution.

G. If any provision of this grant violates any statute or rule of law of the State of Kansas, it is considered modified to conform to that statute or rule of law.

Board of County Commission Chairperson

Name: _____
(print first name, mi, last name)

Signature: _____

(2)

Douglas County

Department of Public Works

MEMORANDUM

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

To : Board of County Commissioners

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

Date : May 2, 2003

Re : Mailbox Installations along County Roadways

Roadside mailboxes are a necessity along rural roads. However, extensive testing and research by the FHWA has determined that some mailbox installations can pose a serious safety threat to the traveling public due to their size, weight or rigidity. Of particular concern are massive and/or rigid mailbox supports such as concrete posts or steel beams. The US Postal Service regulates the type of mailbox itself and the location of installed mailboxes. The USPS does not, however, regulate the type of mailbox support with an eye to roadside safety for motorists.

The Douglas County Traffic Safety Advisory Committee (TSAC) has discussed this issue and whether or not a county policy on mailbox installations is advisable. The TSAC desires to discuss the issue with the BOCC. The intent of the discussion is to determine if the BOCC has a desire to pursue developing a county policy that would prohibit unapproved mailbox installations.

There are several issues to be considered prior to developing a formal policy on mailbox installations, such as:

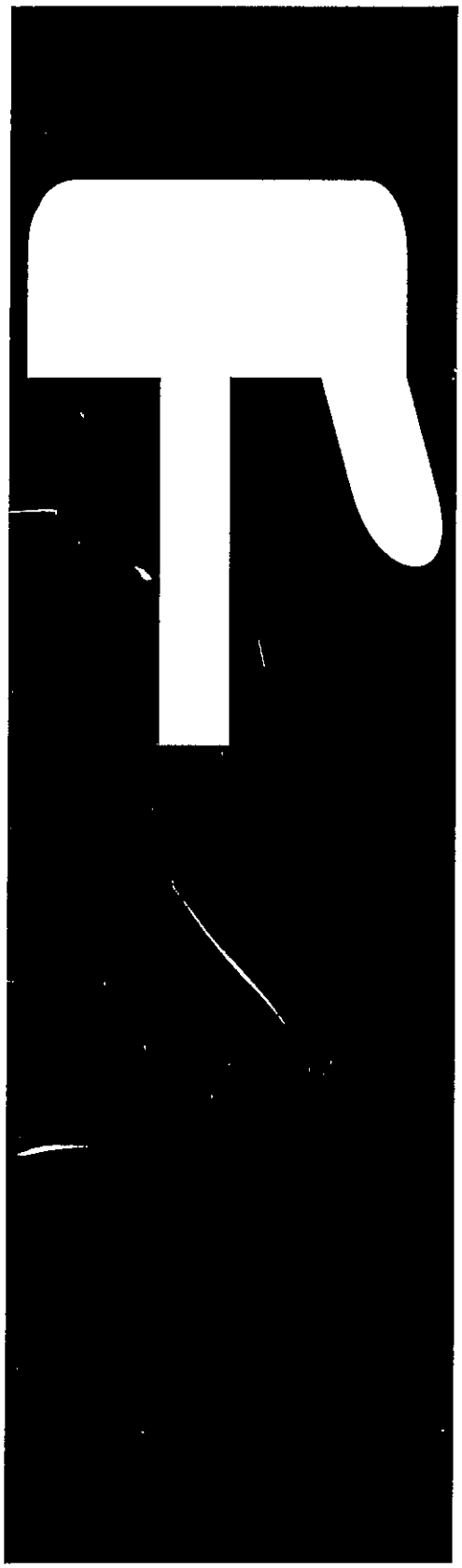
- Should the County remove and replace substandard mailbox installations in addition to regulating new mailbox installations? If so, at whose expense?
- Should mailbox installations be regulated on township maintained roads as well as county routes?
- Should the County require homeowners to construct mailbox turnouts?
- Should the County acquire additional right-of-way, if required, to construct mailbox turnouts?

During the BOCC meeting, the TSAC would like to show a short videotape on the effects of substandard mailbox installations on roadside safety prior to discussing the issue.

Attached is an excerpt from the AASHTO publication "A Guide for Erecting Mailboxes on Highways" that provides some background information on the issue.

Action Required: View videotape on the safety implications of mailbox installations, and discuss the advisability of establishing county regulations on mailbox installations. Provide direction whether or not the BOCC desires to pursue establishing mailbox installation regulations.

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



A GUIDE FOR ERECTING MAILBOXES ON HIGHWAYS

Prepared by the Task Force for Roadside Safety
of the Standing Committee on Highways
Subcommittee on Design

Published by the
American Association of State Highway and Transportation Officials
444 North Capitol St., N.W., Suite 249
Washington, D.C. 20001

A GUIDE FOR ERECTING MAILBOXES ON HIGHWAYS

INTRODUCTION

There are tens of millions of mailboxes on rural and suburban roads and streets. The design and management problems these mailboxes create for highway agencies are the same or similar to those they have in handling control of access, accommodation of utilities, and the design of bus stops and intersections. Furthermore, there is the added human problem that comes from a mailbox being a link with, if not an extension of, the home or business served by it. The postal patrons may view the mailbox as a part of their domain and resent, even resist, directions concerning their mailbox. Thus, an extra measure of diplomacy and public relations may be needed to effect changes in the design and location of mailbox installations.

Highway safety is the primary reason for a highway agency's becoming involved with mailboxes, which, in some areas, are often the only fixed objects close to the road. Of course, there are also highway maintenance and traffic service considerations, but they are relatively minor in comparison with safety. Because most accident record systems do not isolate accidents associated with mailboxes, there is limited data on these accidents. However, what data there is suggests that possibly 70 to 100 people die annually in the United States in vehicles striking mailboxes where the design of the mailbox or, especially, its support can be shown to have contributed to the severity of the accident. While this number is low, it is significant because it is associated with obviously and unnecessarily hazardous mailbox installations.

The typical single mailbox installation (Figure 1), consisting of a light sheet metal box mounted on a 100 mm x 100 mm wooden post or a 38 mm diameter light gauge pipe, is not a serious threat to motorists, although improvements in typical post-to-box mounting details would further reduce its threat. (See discussion in the "Mailbox Support and Attachment Design" section.) It is the massive structures, such as the masonry columns, railroad rails and ties, tractor wheels, plow blades, concrete filled barrels, etc. (Figure 2), sometimes used to support mailboxes that turn a single mailbox installation into a lethal roadside obstacle that should be eliminated.

The typical grouped or multiple mailbox installation (Figure 3) is also a serious hazard to the motorist who strikes it. This installation consists of two or more posts supporting a horizontal member, usually a timber plank, which supports the group of mailboxes. The horizontal members in these installations are poised at windshield height and when struck, have impaled or decapitated motorists. For safe alternative designs for grouped mailbox installations, see section titled "Mailbox Support and Attachment Design."

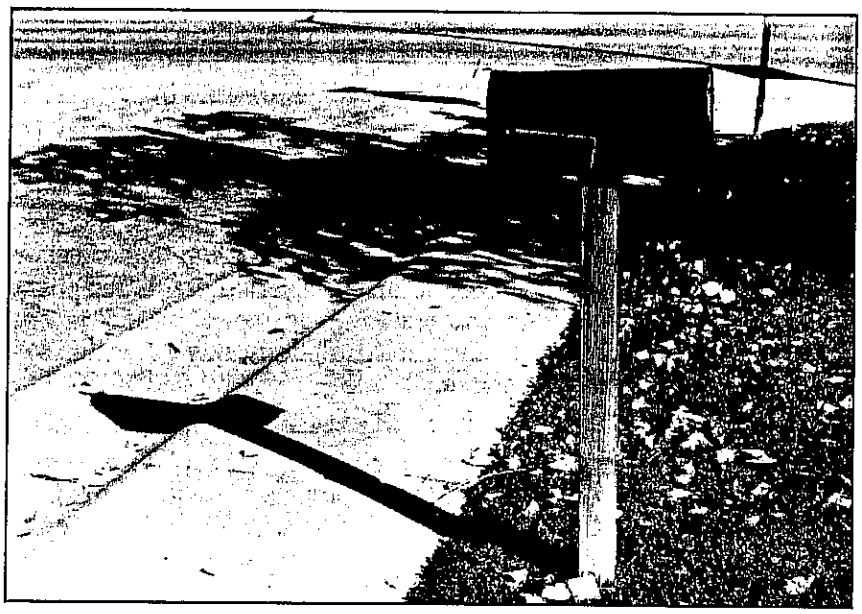
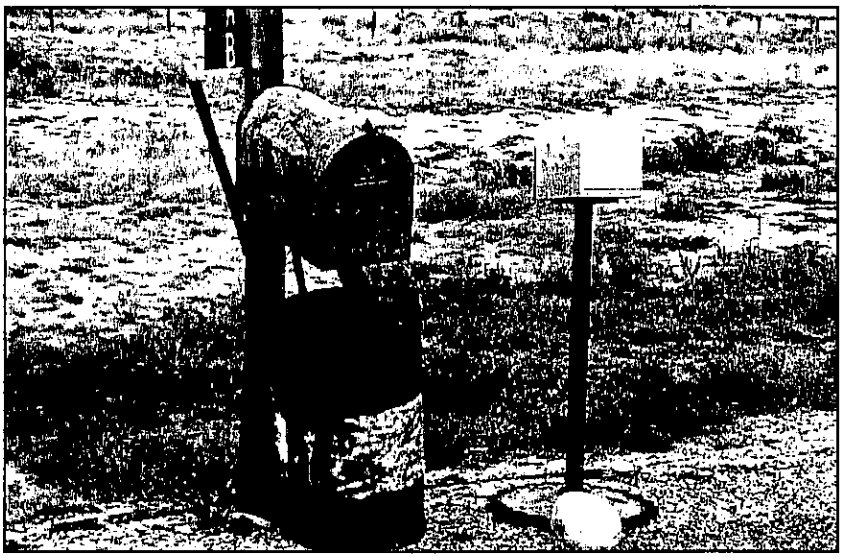
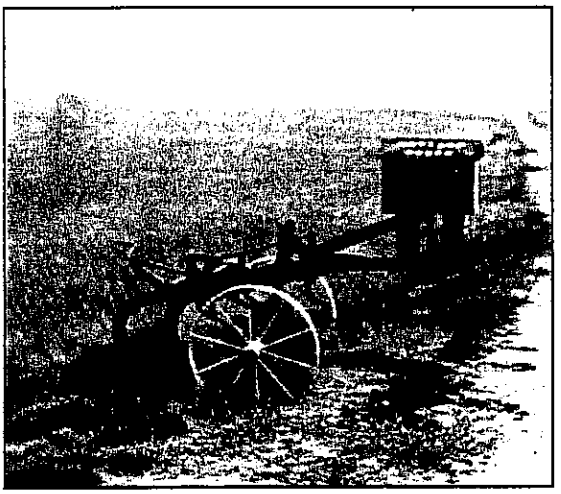


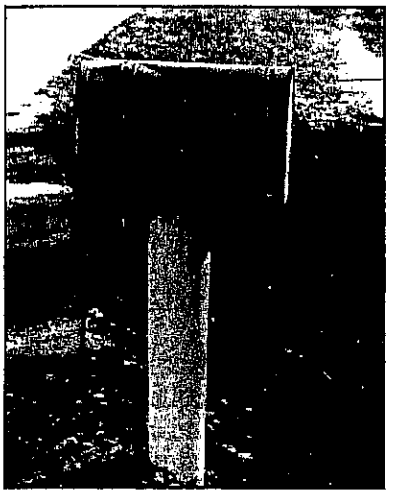
Figure 1A. Mailbox with Wooden Post Support

Figure 1B. Mailbox with Steel Post Support

TYPICAL SINGLE MAILBOX INSTALLATIONS







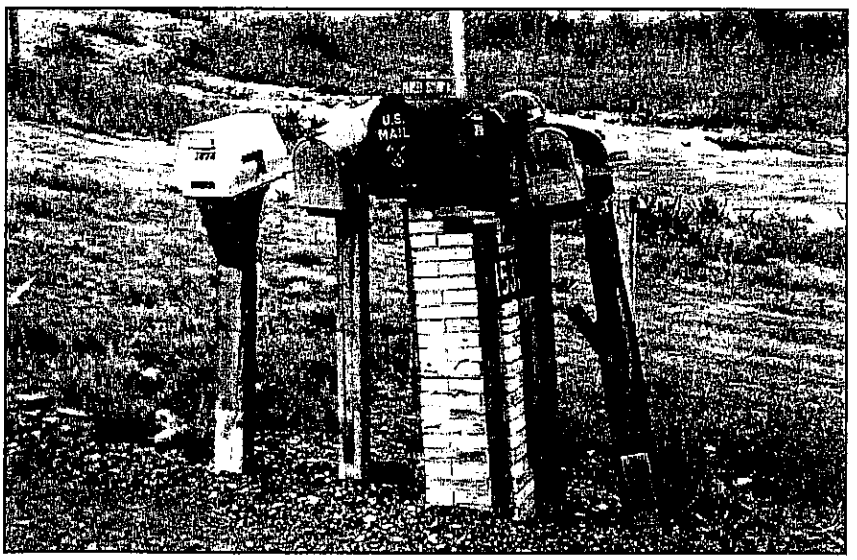


Figure 2

EXAMPLES OF HAZARDOUS SINGLE MAILBOX INSTALLATIONS

Figure 3

EXAMPLE OF HAZARDOUS MULTIPLE MAILBOX INSTALLATION

Injury from striking a mailbox is not the only risk associated with mailboxes. The mail carrier's maneuvers in collecting and delivering mail and the patron's activities, as pedestrian or motorist, in depositing and collecting mail, create opportunities for traffic conflict and human error. Reducing the number and/or severity of these conflicts is an important objective of this guide.

It is only by banishing mailboxes from our highways that mailbox-related traffic accidents could be eliminated. This is impractical, but to the extent there are identifiable and correctable problems, there is room for improvement. Through cooperation between the highway agencies, the U.S. Postal Service, and the postal patron, improvements in mailbox installation details and, in many instances, locations can be effected with little or no increased cost to the public by simply seeing that good state-of-the-art practices are followed when mailboxes are installed or replaced. (A typical mailbox lasts from 5 to 20 years, depending on service conditions, with the average life being about 10 years. Traditionally, the postal service has had an annual mailbox improvement week. See Appendix C.) Furthermore, when highways are rebuilt or undergo significant upgrading, there may be opportunities to incorporate relatively inexpensive mailbox accommodation improvements.

The general principles and guidelines contained in this publication are also applicable to newspaper delivery boxes and similar devices located along public highways. These guidelines are compatible with the requirements of the U.S. Postal Service (see Appendix D) and are presented in the interest of providing the highest degree of safety practicable for the motoring public, mail carriers, and postal patrons. Highway agencies and localities are encouraged to use these guidelines in developing their own mailbox and newspaper box regulations and installation policies and standards. It should be understood that these are general guidelines and that local conditions, such as legal institutions and practices, population densities, topography, highway characteristics, snowfall, prevailing vehicle characteristics, etc., are factors to consider in developing regulations and standards.

Douglas County, KS

2003 Junior College Out-District Tuition Bills

Friday, June 06, 2003

To: County Commission
Craig Weinaug

From: Debbie Sparkes
Budget Specialist

Please review these bills and approve for payment.

Cloud County Community College	2003 Spring-Mini		$186.00
Coffeyville Community College	2003 Spring-Mini		$48.00
Colby Community College	2003 Spring-Mini		$12.00
Fort Scott Community College	2003 Spring-Mini		$672.00
Neosho County Community College	2003 Spring-Mini		$4,710.00
Washburn University	2003 Spring		$9,900.00
		Total	$15,528.00