

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, APRIL 3, 2013

4:00 p.m.

-Proclamation declaring the month of April as "Child Abuse Prevention Month" (Diana Frederick)

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Consider acquisition of right of way for structure No. 2.00N-9.79E (Michael Kelly);
- (c) Consider acquisition of right of way from structures; 17.00N-1.58E; and 17.00N-1.67E; and Consider contract for a tree removal from right of way for same. (Michael Kelly); and
- (d) Consent: Consider acquisition of right of way for structure No. 5.00N-20.85E (Michael Kelly);
- (e) Receive memo from Douglas County Food Policy Council re: funding and grant opportunities for a Kaw Valley Food Hub Feasibility Study (Eileen Horn)

REGULAR AGENDA

- (2) Receive staff report on Agritourism uses and areas of the Construction Codes that apply, with possible amendments identified for Commission discussion. (Linda Finger)
- (3) Authorization to award a contract from construction management services for new public works facility (Sarah Plinsky)
- (4) (a) Consider approval of Accounts Payable (if necessary)
- (b) Appointments
 - Lawrence Douglas County Metropolitan Planning Commission 05/13
 - Heritage Conservation Council 05/13
 - Property Crimes Compensation Board 04/13
- (c) Public Comment
- (d) Miscellaneous
- (5) Adjourn

WEDNESDAY, APRIL 10, 2013

4:00 p.m.

Consent

- Consider the Temporary Set-Aside Agreement and Cross Access Easement and Maintenance Agreement associated with Certificate of Survey, CSU-12-00271, for approximately 26 acres located in the NE quarter of Section 22, Township 13 South, Range 19 East. Submitted by Grob Engineering Services, LLC for Dwight and Kimberly Purvis, property owners of record. (Mary Miller)
- Consider authorizing Public Works Director to renew pavement markings contract with Midwest Striping, Inc. (Keith Browning)
- Review and Consider Approval Community Corrections FY2014 Comprehensive Plan and FY2014 Budget (Deborah Ferguson)
- Zoning & Code software (Jackie Waggoner)

Regular

- Consider agreement with Penny's Aggregates, Inc. for cost reimbursement for pre-dredging study and report concerning proposed sand facility (Keith Browning)
- Consider agreement with Conestoga-Rovers & Assocs., Inc. to provide pre-dredging study and report concerning proposed Penny's Sand facility (Keith Browning)

WEDNESDAY, APRIL 17, 2013

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

6:35 p.m.

-Consideration of a Special Event Permit (SEP 2013-01) for a concert promoting RockRoad Pursuits, to be held on June 22, 2013 on the property known as 1849 E 800 Rd, Baldwin City, Ks (and the adjoining property to the south under the same ownership, which is on the north side of the watershed lake). The application has been submitted by Peyton Warwick for the property owner of record, V-Bar T Ranch, LLC." (Linda Finger)

WEDNESDAY, APRIL 24, 2013

WEDNESDAY, MAY 22, 2013-Cancelled

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



Office of the County Commission
PROCLAMATION
Child Abuse Prevention Month 2013
For Douglas County, Kansas

Whereas, children are key to the county's future success, prosperity and quality of life and, while children are our most valuable resource, they are also our most vulnerable; and

Whereas, children have a right to be safe and to be provided an opportunity to thrive, learn and grow; and

Whereas, child abuse and neglect can be prevented by supporting and strengthening families in Douglas County, Kansas' through the 5 Protective Factors: 1. Nurturing and Attachment, 2. Knowledge of Child/Youth Development, 3. Parental Resilience, 4. Social Connections and 5. Concrete Supports for Parents; and

Whereas, we must come together as partners so that the voices of our children are heard by all and we are as a community extending a helping hand to children and families in need; and

Whereas, by providing safe, stable and nurturing relationships for our children, free of violence, bullying, abuse and neglect, we can ensure that Douglas County's children will grow to their full potential as the next generation of leaders, helping to secure the future of this county, state and nation;

Therefore, the Board of County Commissioners of Douglas County, Kansas, do hereby proclaim April 2013 as "**Child Abuse Prevention Month.**"

Dated this 3rd day of April 2013.

Community Partners include:

Associated Youth Services
Bert Nash Center
Big Brothers Big Sisters
Childcare Aware of Northeast and North Central Kansas
Douglas County CASA
Douglas County Child Development Association
Douglas County Dental Clinic
Douglas County Youth Services
Edna A. Hill Child Development Center (KU)
Family and Youth Intervention, CLO
GaDuGi SafeCenter
Headquarters Counseling Center
Healthcare Access
Kansas Children's Service League (KCSL)
KU Child and Family Services Center
KU/DCYS Truancy Prevention & Diversion Program
KVC Behavioral Healthcare
Lawrence Community Shelter
Lawrence-Douglas County Health Department
Lawrence Public Schools
StopGap, Inc.
Success By 6
The Shelter, Inc.
United Way of Douglas County
VanGo

KU Student Groups:

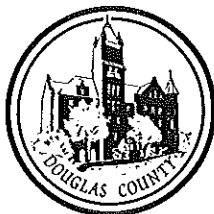
Kappa Alpha Theta, KU Chapter
KU Bachelor of Social Welfare Student Group
Omega Phi Alpha Service Sorority
Peer Health Educators
Up 'til Dawn KU for St. Jude

**BOARD OF COUNTY COMMISSION
OF DOUGLAS COUNTY, KANSAS**

Mike Gaughan, Chair

Nancy Thellman

Jim Flory



DOUGLAS COUNTY PUBLIC WORKS

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

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

MEMORANDUM

TO : Board of County Commissioners

FROM : Keith A. Browning, P.E., Director of Public Works *[Signature]*
Michael D. Kelly, L.S., County Surveyor *[Signature]*

DATE : March 29, 2013

RE : Drainage Structure Replacement; Structure No. 2.00N -9.79E
Acquisition of Easement; Consent agenda

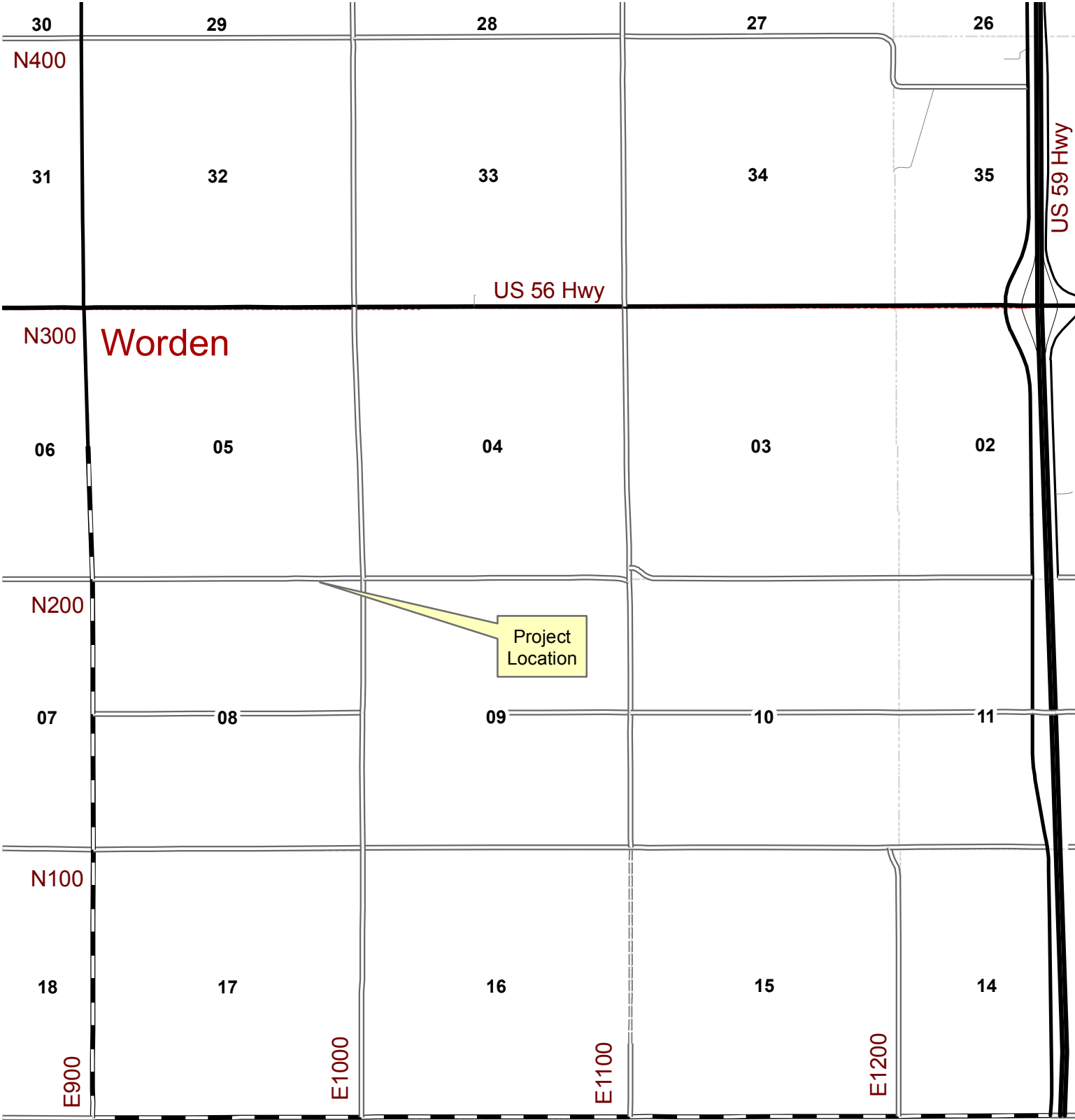
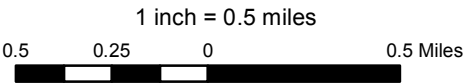
A project has been designed to replace a deficient drainage structure located approximately 6 miles west of Baldwin City on N200 Road. Plans were developed in-house and negotiations with the pertinent landowners for permanent easement have been completed.

Construction is planned for June 2013 and will be accomplished using county personnel.

To ensure the proper completion of a necessary construction project approval is recommended for the attached CONTRACT's FOR HIGHWAY PURPOSES.

ACTION REQUIRED: Consent agenda approval of the CONTRACT's FOR HIGHWAY PURPOSES for Drainage Structure No. 2.00N -9.79E.

Str. No. 2.00N - 9.79E





NORTH
SCALE: 1" = 20' HORZ.

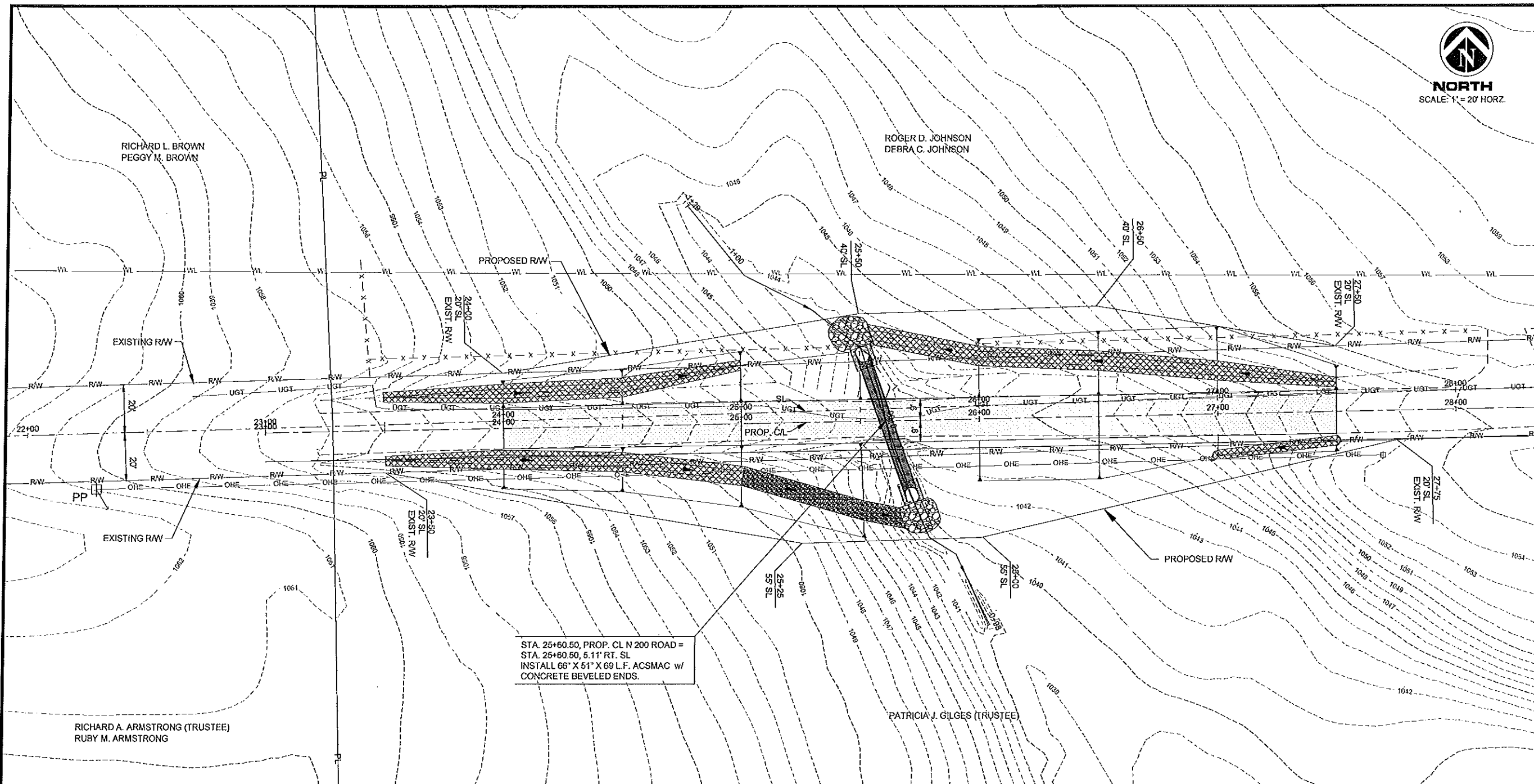
Douglas County Public Works
1242 Massachusetts
Lawrence, Kansas 66044



Project: CULVERT REPLACEMENT FOR N 200 RD
Project No.: 200097
Designed By: J.A.
Checked By: J.A.
Drawn By: J.A.
Date: 8/2/97

PROPOSED RW
& SECTION CORNER INFORMATION
SHEET 3 OF 8

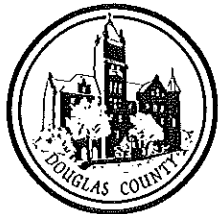
CULVERT REPLACEMENT FOR 02.00N 09.79E



BM # 1 = STA. 27+69.05, 18.42' RT.
TRIPLE 60D NAIL IN PWR. POLE.
ELEV. = 1055.88

SECTION CORNER INFORMATION

SL STATION	SECTION CORNER	RCODE	SECTION CORNER COORDINATE	ELEVATION	CORNER STATUS
10+00	1/4 NL SEC. 8-T15-R19	X07E	N: 169487.713 E: 2074935.024	1082.297	FOUND RECORD
36+56.57	NE CORNER SEC. 8-T15-R19	X09E	N: 169572.36 E: 2077590.243	1049.474	FOUND RECORD



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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 *KAB*
Michael D. Kelly, P.S., County Surveyor *MK*

DATE : March 29, 2013

RE : Drainage Structure Replacement
Structure Nos. 17.00N – 1.58E and 17.00N – 1.67E
Acquisition of Easement; Consent agenda

A project has been designed to replace two (2) deficient drainage structures located approximately 1.25 miles northwest of Stull on N1700 Road. Plans were developed in-house and negotiations with the second and final pertinent landowner for permanent easement has been completed.

Construction is planned for summer of 2013 and will be accomplished using county personnel.

To ensure the proper completion of a necessary construction project approval is recommended for the attached CONTRACT FOR HIGHWAY PURPOSES.

Also, as part of the negotiations for permanent easement a separate contract was negotiated with Christian and Moore for the removal of tree vegetation and fence from the limits of construction.

ACTION REQUIRED: Consent agenda approval of the CONTRACT FOR HIGHWAY PURPOSES for Drainage Structures 17.00N – 1.58E and 17.00N – 1.67E. and the CONTRACT FOR TREE REMOVAL FROM RIGHT OF WAY.

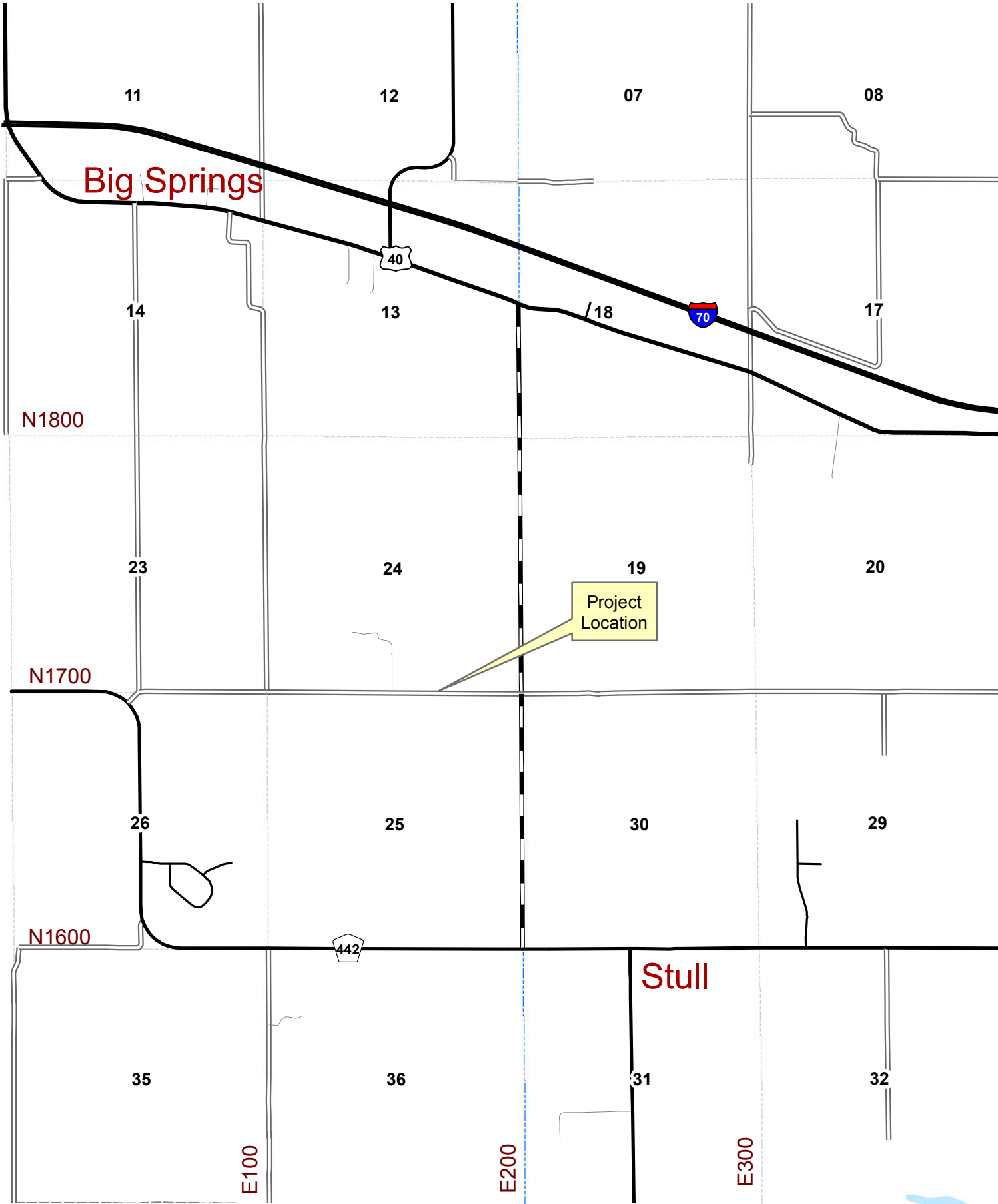
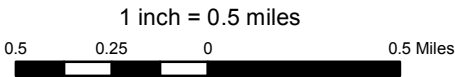
Exhibit A
Delivery Schedule

Contractor will complete all Services on or before May 20, 2013; provided that County approves and signs this Contract on or before April 10, 2013 and stakes the boundaries of the right-of-way on or before April 20, 2013, and one day later for each day thereafter until County approves and signs this Contract and stakes the right-of-way.

Exhibit B
Services

The Services consist of clearing and removing fencing and trees located in existing or newly acquired right-of-way along N 1700 Road, as County specifies as necessary for Douglas County Project Nos. 17000158 & 17000167. The Services will be performed in County right-of-way adjacent to property that Lone Oak L.L.C. owns in western Douglas County, Kansas. The clearing and removal of the trees will consist of cutting the specified vegetation (leaving stumps of height as directed by the County Engineer or designee) and legally disposing of all the debris outside of County right-of-way. The Services, however, do not include removal of trees within the creek banks. Contractor will provide all Services utilizing Contractor's own equipment, tools, and supplies.

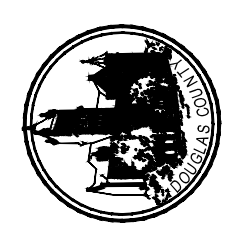
Str. No. 17.00N - 1.58E
Str. No. 17.00N - 1.67E



LONE OAK LLC



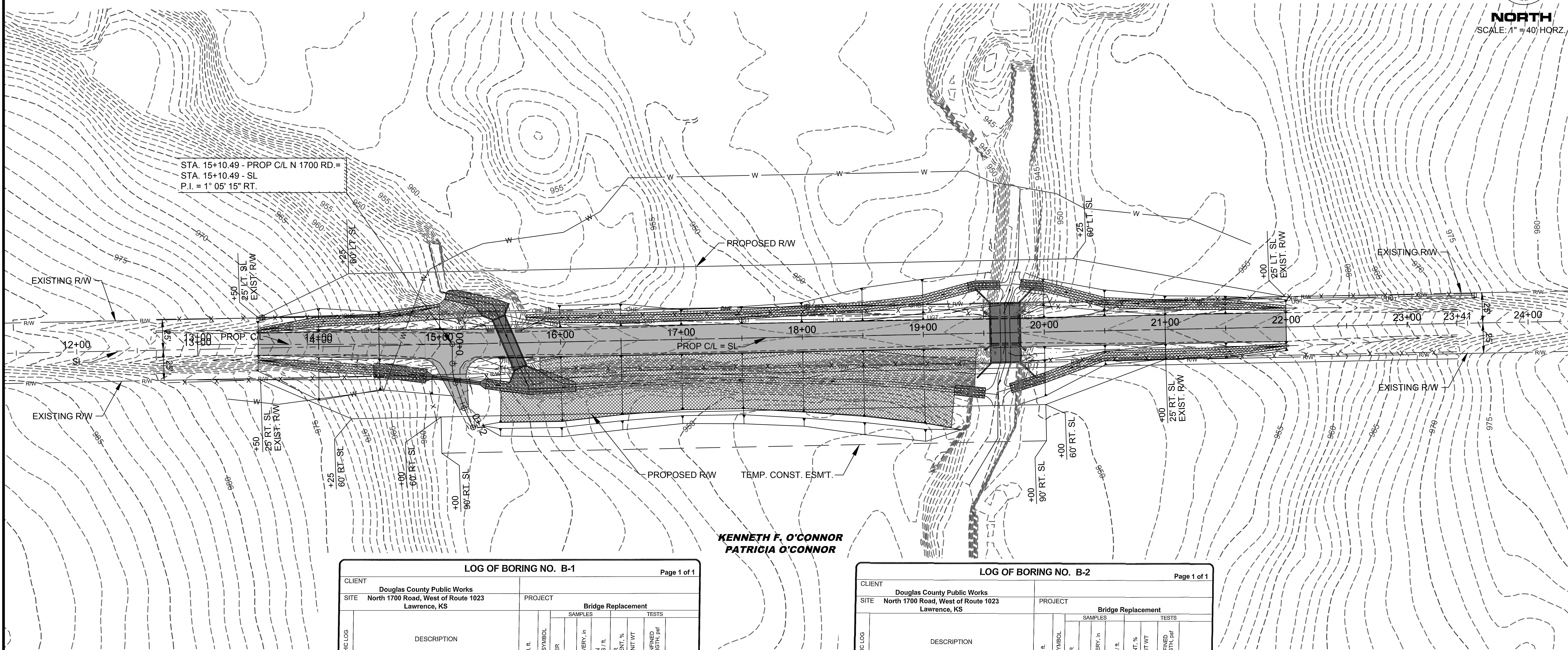
Douglas County Public Works
1242 Massachusetts
Lawrence, Kansas 66044



Project No.: 1605000
Designed By: A.S.
Checked By: T.G.
Drawn By: L.H.
Date: 5/7/2010

PROPOSED R/W AND BORING LOGS
SHEET 3 OF 11

ROAD AND DRAINAGE IMPROVEMENTS FOR N 1700 RD.



KENNETH F. O'CONNOR
PATRICIA O'CONNOR

LOG OF BORING NO. B-1										
CLIENT		Douglas County Public Works								
SITE		North 1700 Road, West of Route 1023 Lawrence, KS								
PROJECT		Bridge Replacement								
GRAPHIC LOG	DESCRIPTION	DEPTH, ft.	SAMPLES				TESTS			
			USCS SYMBOL	NUMBER	TYPE	RECOVERY, in	SPT - N BLOWS / ft	WATER CONTENT, %	DRY UNIT WT pcf	UNCONFINED STRENGTH, pcf
	Approx. Surface Elev.: 99 ft				PA					
	FILL, lean clay, gravel, dark brown, with layers of rock debris		1	ST	13		15	93		
					PA					
			2	SS	18	11	16			
					PA					
			CH	3	SS	12	6	20		
					PA					
			4	SS	18	56	14	9000+*		
					PA					
			5	SS	0	50/1"				
					PA					

BM # 1 - TRIPLE 60d NAIL IN SE FACE OF PP
APPROXIMATELY 160' WEST OF STRUCTURE NO.
1700-0167
ELEV. = 951.27

- STA. 10+00 - SL =
N 1/4 corner Section 25-T12-R17
N 247633.692
E 2030500.578
Elev = 987.616
Reference ties
5/8" rebar
1. PK nail in top corner fence post 26.70' N
2. Spike and washer in power pole 113.60' WNW
3. Spike and washer in power pole 124.70' ENE
4. Centerline East-West roadway 40.0' N
5. Centerline driveway to north 35.0'W

LOG OF BORING NO. B-2									
CLIENT		Douglas County Public Works							
SITE		North 1700 Road, West of Route 1023 Lawrence, KS							
PROJECT		Bridge Replacement							
GRAPHIC LOG	DESCRIPTION	DEPTH, ft.	USCS SYMBOL	SAMPLES				TESTS	
				NUMBER	TYPE	RECOVERY, in	SPT - N BLOWS / ft	WATER CONTENT, %	DRY UNIT WT pcf
	Approx. Surface Elev.: 100 ft 12" gravel FILL, lean clay, fat clay, gravel, dark brown, with layers of rock debris	1	PA	1	ST	13	18	112	5000*
	7.5 FAT CLAY, very dark gray brown, very stiff	92.5	CH	3	ST	8	24	92	5000*
	13 ***SHALE, severely to moderately weathered, gray	87	PA	5	SS	1	13		
	20 ***LIMESTONE, slightly weathered, gray	80	PA	20					
AUGER REFUSAL at 21 feet									
***Classification estimated from disturbed samples. Core samples and petrographic analysis may reveal other rock types.									
The stratification lines represent the approximate boundary lines between soil and rock types: In-situ, the transition may be gradual.									
WATER LEVEL OBSERVATIONS, ft				BORING STARTED 8-29-11					
WL 13 WD 13				BORING COMPLETED 8-29-11					
WL 13				RIG CME 55/300 FOREMAN KK					
EXHIBIT A-3				APPROVED EMK JOB # 02115158					

STA. 36+29.93 - SL =
N.W. COR SEC. 30, T12S, R18E
N 247687.88
E 2033129.95
ELEV. = 1013.33

- STA. 36+29.93 - SL =
NW Section 30-T12-R18
N 247687.876
E 2033129.948
Elev = 1013.327
Reference ties
1/2" rebar over stone, flush
1. PK nail in southeast face power pole 41.60' SW
2. PK nail in east face power pole fence post 57.90' SSW
3. Spike in top hedge post 34.70' NE
4. PK nail in south face fence post 39.0' NW
5. in apparent center of N-S, E-W road intersection



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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 *[Signature]*
Michael D. Kelly, L.S., County Surveyor *[Signature]*

DATE : March 29, 2013

RE : Drainage Structure Replacement; Structure No. 5.00N -20.85E
Acquisition of Easement; Consent agenda

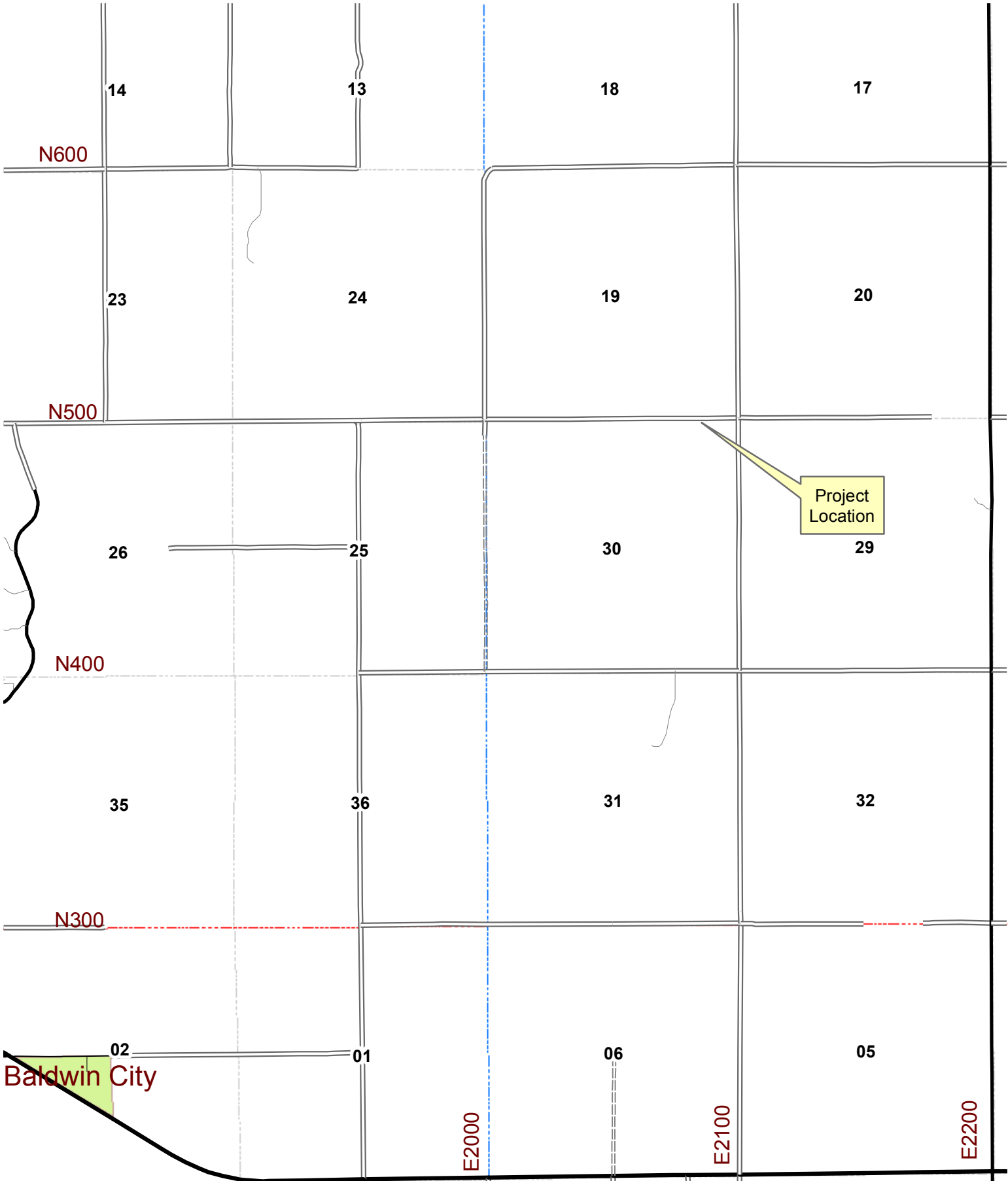
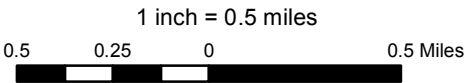
A project has been designed to replace a deficient drainage structure located approximately 4 miles southeast of Vinland on N500 Road. Plans were developed in-house and negotiations with the pertinent landowners for permanent easement have been completed.

Construction is planned for May 2013 and will be accomplished using county personnel.

To ensure the proper completion of a necessary construction project approval is recommended for the attached CONTRACT's FOR HIGHWAY PURPOSES.

ACTION REQUIRED: Consent agenda approval of the CONTRACT's FOR HIGHWAY PURPOSES for Drainage Structure No. 5.00N -20.85E.

Str. No. 5.00N - 20.85E





Douglas County Public Works
1242 Massachusetts
Lawrence, Kansas 66044

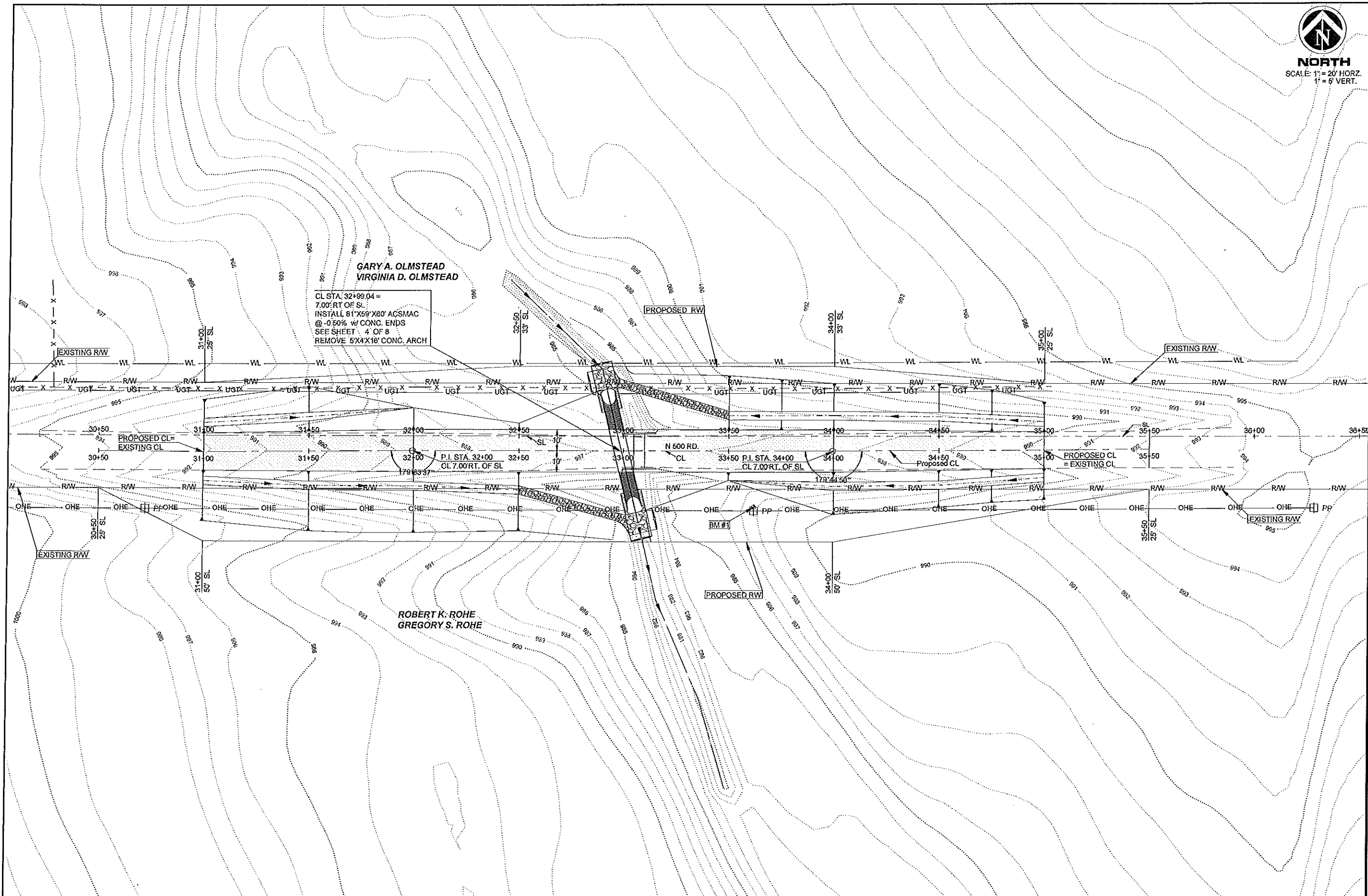


Project: 05.00 N 500 RD E	Drawn By: J.S.	Date: 11/20/12
Project No.: 05002005	Designed By: A.S.	Checked By: T.G.

PROPOSED RW
SHEET 3 OF 10

CULVERT REPLACEMENT FOR N 500 ROAD

BENCHMARK	SECTION CORNER INFORMATION					
	SECTION CORNER	STATION	R/CODE	SECTION CORNER COORDINATE	ELEVATION	CORNER STATUS
BM #1- TRIPLE 600 NAIL NW FACE OF PP	N1/4 CORNER SEC. 30-T14-R21	10+00	U03R	N: 187175.128 E: 2132536.678	993.414	FOUND
N: 187216.92 E: 2134839.38 ELEV: 993.62	NE CORNER SEC. 30-T14-R21	30+57.08	U05R	N: 187259.503 E: 2135192.416	995.262	FOUND





DOUGLAS COUNTY ADMINISTRATION

1100 Massachusetts Street
Lawrence, KS 66044-3064
(785) 832-5873 Fax (785) 832-5148
ehorn@douglas-county.com

Eileen Horn
Sustainability Coordinator

Memo to: Douglas County Commission
Craig Weinaug, County Administrator

From: Eileen Horn, Sustainability Coordinator

Subject: Application for grants for Kaw Valley Food Hub Feasibility Study

Date: March 27, 2013

The Douglas County Food Policy Council is applying for two grants to support research on the feasibility of a regional “food hub” for Douglas and surrounding counties. The two funding sources we are pursuing:

- USDA Rural Business Enterprise Grant (\$58,250)
- Kansas Health Foundation Food Policy Planning Grant (\$10,000)

There is no match required for this grant, however, a portion of the Sustainability Coordinator’s staff time would be leveraged as the County contribution towards this project. Grant applications are due May 1 for USDA, and on a rolling basis for KHF.

The Kaw Valley Feasibility Study potentially funded by these sources would fund a consulting research team to assess local food supply, demand, infrastructure requirements, operating model, optimal scale, and potential business models. Assessing the feasibility of a regional food hub is the first step towards increasing market opportunities for a wide range of rural food businesses in our region.

According to USDA, a “food hub,” is a business model that “centralizes the business management structure to facilitate the aggregation, storage, processing, distribution, and/or marketing of locally/regionally produced food products”(USDA). A potential Kaw Valley Food Hub could provide these benefits:

- Increase direct markets and competitiveness of existing rural agricultural producers in the Kaw Valley region.
- Support small and emerging agricultural producers and food entrepreneurs in Kaw Valley counties.
- Increase efficiency of distribution system for locally produced goods.
- Increase access to local foods for more consumers.

#####



DOUGLAS COUNTY ZONING & CODES DEPARTMENT MEMORANDUM

TO: Board of County Commissioners
SUBJECT: Agritourism Uses in Zoning Regulations and Construction Codes Application
DATE: April 3, 2013
FROM: Zoning & Codes Department (Kay Pettit, Pat Wempe, and Linda Finger)

BACKGROUND:

In December 2012, the culmination of a multi-month conversation regarding agritourism and agritourism uses resulted in adoption of Resolution 13-02, which included the adoption of supplemental regulations in section 12-319.7 of the Zoning Regulations. In this section, fourteen typical agritourism uses (a non-inclusive list) was developed. [The list actually includes 15 items, but the fifteenth item is "*other uses that may be determined on a case-by-case basis....*" This list included activities that are conducted: in the outdoors, within existing agricultural buildings, within new buildings, or a combination of one or more of these. The list also included uses that, from a building codes perspective, fall into five use categories:

- utility (farm stands, farmers market buildings, barns and other buildings housing farm equipment/animals/feed & seed),
- factory (wine production),
- mercantile (tasting rooms, product sampling, sales areas),
- residential (farm stays, bed & breakfasts), and
- assembly (receptions, weddings, fairs or festivals)

Discussions at the time of adoption, regarding the types of building code use categories that occurred within a structure seemed to center on three specific & inter-related areas: gross square footage of the buildings and the fire safety concerns related to door swing for egress and fire-sprinkler or other suppression devices. Although minimum standards were proposed to address these areas in the Zoning text amendment, they were not adopted as part of the Zoning Regulations when the agritourism sections were adopted. Zoning & Codes Staff had asked for these areas of concern to be addressed through the more appropriate channel of Construction Codes amendments or interpretations. The presentation that follows was prepared to provide the Commission with the information necessary to discuss, and if determined appropriate, amend the 2012 IBC (International Building Code) adopted by reference in Chapter 13 of the County Code.

APPROACH TO IMPLEMENTATION OF 2012 IBC FOR AGRITOURISM USES:

Zoning and Codes Staff met with the newly created Board of Construction Codes Appeals on February 18, 2013, to present possible amendments to the I-Codes based on the recently amended Agritourism Regulations into the Zoning Code. This was the Board's first meeting and Agritourism, and the uses associated with it, were a new concept for several board members. The specific amendment wording was not discussed. The conceptual need to address door swing and sprinkler requirements was. The BCCA endorsed staff's direction in approaching amendments to the IBC.

The following attachments are provided as supporting documentation for staff's presentation. These materials have been updated, revised and refined since the 02/18/13 BCCA meeting.

Attachments:

- A. Proposed amendments to the fire sprinkler requirements of the 2012 IBC.
- B. Proposed amendments to the door swing requirements of the 2012 IBC.
- C. Chart of the basic building code requirements for agritourism uses with proposed changes indicated.
- D. Requirement to report changes in the building code to the Kansas State Fire Marshall.
- E. Proposed amendments to Chapter 13 of County Code.

STAFF RECOMMENDATION:

Either endorsement of staff's implementation approach in the use of the IBC (International Building Code) by requesting the preparation of specific amendment to the IBC for County Commission approval (and State Fire Marshall review prior to approval¹); or provide further direction to staff on the how the Commission would like to proceed.

¹ The County Counselor has been asked to review the statutes regarding State Fire Marshall review and/or approval to see if the amendments proposed require this action.

ATTACHMENT A

PROPOSED AMENDMENTS TO THE FIRE SPRINKLER REQUIREMENTS OF THE 2012 IBC

(Areas of interest are highlighted, text proposed to be deleted is shown with strike through, and new text to be added is highlighted in green.)

NOTES:

The amendment to **Group A-2** addresses agritourism uses of wedding receptions halls, banquet halls.

The amendment to **R-3** would cover the farm stays and B&B under Boarding houses (transient) with ten or fewer occupants.

Section 903 AUTOMATIC SPRINKLER SYSTEMS

903.2.1.2 Group A-2 An automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exists:

1. The *fire area* exceeds 5,000 square feet.
2. The *fire area* has an occupant load of 400-300 or more; or
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.

903.2.8 Group R An *automatic sprinkler system* installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R *fire area*.

903.2.8.1 Group R-3 or R-4 congregate residences. An *automatic sprinkler system* installed in accordance with Section 903.3.1.3 shall be permitted in Group R-3 or R-4 congregate residences with 16 or fewer residents.

903.2.8.2 Care facilities. An *automatic sprinkler system* installed in accordance with Section 903.3.1.3 shall be permitted in care facilities with 5 or fewer individuals in a single family dwelling.

903.2.8.3 Boarding houses (transient) with 10 or fewer occupants. An *automatic sprinkler system* shall not be required in boarding houses with 10 or fewer occupants.

ATTACHMENT B

PROPOSED AMENDMENTS TO THE DOOR SWING REQUIREMENTS OF THE 2012 IBC

(Areas of interest are highlighted, text proposed to be deleted is shown with strike-through, and new text to be added is highlighted in green.)

NOTE: Exceptions 5, 6 and 9 below allow occupancies “other than Group H” (hazardous occupancies) to implement the use of horizontal sliding doors. Agritourism occupancies are typically U, F, M, R or A, and would qualify to implement the exceptions.

1008.1.2 Door swing. Egress doors shall be of the pivoted or side-hinges type.

Exceptions:

1. Private garages, office areas, factory and storage areas with an *occupant load* of 10 or less.
2. Group I-3 occupancies used as a place of detention.
3. Critical or intensive care patients rooms within suites of health care facilities.
4. Doors within or serving a single *dwelling unit* in Groups R-2 and R-3.
5. In other than Group H occupancies, revolving doors complying with Section 1008.1.4.1.
6. In other than Group H occupancies, horizontal sliding doors complying with Section 1008.1.4.3 are permitted in a *means of egress*.
7. Power-operated doors in accordance with Section 1008.1.4.2.
8. Doors serving a bathroom within an individual *sleeping unit* in Group R-1.
9. In other than Group H occupancies, manually operated horizontal sliding doors are permitted in a *means of egress* from spaces with an occupant load of 40 100 or less.

Doors shall swing in the direction of egress travel where serving a room or area containing an *occupant load* of 50 or more persons or a Group H occupancy.

1008.1.4.3 Horizontal sliding doors. In other than Group H occupancies, horizontal sliding doors permitted to be a component of a *means of egress* in accordance with Exception 6 to Section 1008.1.2 shall comply with all of the following criteria:

1. The doors shall be power operated and shall be capable of being operated manually in the event of a power failure.
2. The doors shall be operable by a simple method from both sides without special knowledge or effort.
3. The force required to operate the door shall not exceed 30 pounds (133 N) to set the door in motion and 15 pounds (67 N) to close the door or open it to the minimum required width.
4. The door shall be operable with a force not exceed 15 pounds (67 N) when a force of 250 pounds (1100 N) is applied perpendicular to the door adjacent to the operating device.
5. The door assembly shall comply with the applicable *fire protection rating* and, when rated, shall be self-closing or automatic self closing by smoke detection in accordance with Section 716.5.9.3, shall be installed in accordance with NFPA 80 and shall comply with Section 716.
6. The door assembly, shall have an integrated standby power supply.
7. The door assembly, power supply shall be electrically supervised.
8. The door, shall open to the minimum required width within 10 seconds after activation of the operating device.

BASIC BUILDING CODE REQUIREMENTS FOR AGRITOURISM USES

Estimates are based on the 2012 IBC for a 2000 square foot, one story, building of NEW construction, with combustibile framing and finishes.

Agritourism Use↓	Building Code Use↓	Occupant Load Factor (sq ft/person)	Occupant Load	Exits required (# of 32"inch doors)	Exit Signs	Sprinkler	Fire Alarm	Panic Hardware	Access-ibility
Farm markets, roadside stands, u-pick operations,garden nursery tours, farm related interpretive facilities,winery tours	Utility U	300	7	1	no	no	no	no	no
Wineries	Factory F-2	200	10	1	no	no	no	no	no
Local products retail operations, wine tasting rooms	Mercantile M	30	66	1*	no	no	no	no	yes
Bed and Breakfast Operations	Residential R-3	200	10	1	no	yes No	yes	no	no**
Weddings, receptions, and other assembly type uses.	Assembly A-2	7	285	2*	yes	yes***No	no***	no***	yes

* Exit doors must swing in direction of travel with 50 occupants. (IBC 1008.1.2)

**R3 occupancies with more than 4 rental units must be accessible. (IBC 1107.6.3)

*** A-2 occupancies with 100 300 occupant load must have sprinklers. (IBC 903.2.1.2)

***A-2 occupancies with 300 occupants require fire alarms (IBC 907.2.1) and panic hardware required on main exit (IBC 1008.1.10).

ATTACHMENT D

REQUIREMENT TO REPORT CHANGES IN BUILDING CODE TO KANSAS STATE FIRE MARSHALL

If we adopt any amendments to the fire protection segments of the building code, we are required to report the changes in our code to the State Fire Marshall. See the information below taken from the Kansas Register.

Kansas Register KSSOS.org/Pubs/register/2011/Vol_30_No_03_

State of Kansas State Fire Marshal: Permanent Administrative Regulations:

22-1-1. Municipal compliance with Kansas Fire Code. Municipal compliance with Kansas fire prevention code.

(a) When a municipality adopts one of the nationally recognized fire codes or the fire protection segment of a nationally recognized building code and modifies a section of that code, a summary of the modifications shall be submitted to the state fire marshal's office. The modifications shall be reviewed and either approved or rejected by the state fire marshal. The municipality shall be notified of the action within 30 days from receipt of the summary.

(b) Each alternate method of fire protection that has been approved by a local board of appeals as a substitute for strict compliance with code requirements shall be deemed to be in compliance with the Kansas fire prevention code.

(c) Each question arising as to whether another state statute or an enactment of a municipality is inconsistent with the provisions of the fire prevention code shall be resolved by the state fire marshal after a hearing with all interested parties. Each decision of the state fire marshal made under authority of this subsection shall be appealable in accordance with the provisions of K.S.A. 31-142 and amendments thereto.

Kay Pettit called the State Fire Marshall on February 12, at 4:30 pm and spoke to Jack Chapman asking the following questions:

"Do we have to report changes to the State Fire Marshall?"

Answer: YES

"Is the State Fire Marshall interested in giving an opinion on this subject?"

Answer: If we write a specific amendment, we should send it to them and they will either support or recommend against the amendment.

ATTACHMENT E

PROPOSED AMENDMENTS TO CHAPTER 13 CONSTRUCTION CODES

Areas of interest are highlighted, text proposed to be deleted is shown with strike-through, and new text to be added is highlighted in green.)

ARTICLE 1 Administration
ARTICLE 2 Residential Codes
ARTICLE 3 Building Code

- 13-303 **AMENDMENTS TO BUILDING CODE.** The International Building Code, 2012 Edition is amended or supplemented as provided below.
- 13-303.1 Chapter 1 of the Building Code is deleted and replaced with the provisions of Article 1 of this Chapter 13.
- 13-303.2 **Section 903.2.1.2 Group A-2** An automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exists:
1. The fire area exceeds 5,000 square feet.
 2. The fire area has an occupant load of 400 **300** or more
 3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
- 13-303.3 **Section 903.2.8.3** Boarding houses (transient) with 10 or fewer occupants. An automatic sprinkler system shall not be required in boarding houses with 10 or fewer occupants.
- 13-303.4 **Section 1008.1.2 Door swing.** Egress doors shall be of the pivoted or side-hinged type.
Exceptions:
1. Private garages, office areas, factory and storage areas with an occupant load of 10 or less.
 2. Group I-3 occupancies used as a place of detention.
 3. Critical or intensive care patients rooms within suites of health care facilities.
 4. Doors within or serving a single dwelling unit in R-2 or R-3.
 5. In other than Group H occupancies, revolving doors complying with Section 1008.1.4.1
 6. In other than Group H occupancies, **horizontal sliding doors** complying with Section 1008.1.4.3 are permitted in a means of egress.
 7. Power-operated doors in accordance with Section 1008.1.4.2.
 8. Doors serving a bathroom within an individual sleeping unit in Group R-1.
 9. In other than Group H occupancies, **manually operated horizontal sliding doors** are permitted in a means of egress from spaces with an occupant load of 40 **100** or less.

Doors shall swing in the direction of egress travel where serving a room or area containing an occupant load of 50 or more persons or a Group H occupancy.

- 13-303.2 5 **Section 1612.3. Establishment of flood hazard areas.** The title and date of the flood insurance study referred to and incorporated by reference in Section 1612.3 is The Flood Insurance Study for the Unincorporated Territory of Douglas County, Kansas, dated August 5, 2010.
- 13-303.3 6 **Section 3412.2. Applicability.** The applicability date in Section 3412.2 is January 1, 2013. [HR-12-9-3]
- 13-304 **Section 4. SEVERABILITY.** If any section, subsection, sentence, clause or phrase in this Article or in the Building Code is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions hereof. The Board declares that it would have passed this code, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid. [HR-12-9-3]
- 13-305 **EXISTING RIGHTS OR VIOLATIONS.** Nothing herein or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or resolution repealed in connection with the adoption of the Building Code; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation. [HR-12-9-3]



DOUGLAS COUNTY ADMINISTRATIVE SERVICES

Douglas County Courthouse
1100 Massachusetts Street, Unit 204
Lawrence, KS 66044-3064
(785) 832-5329 Fax (785) 832-5320
www.douglas-county.com

Sarah Plinsky
Assistant County Administrator

MEMORANDUM

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

FROM: Sarah Plinsky, Assistant County Administrator

SUBJECT: Consider Recommendation of Contract for Construction Manager at Risk Services for the construction of a new Public Works Facility

DATE: March 29, 2013

At Commission direction, staff has begun developing a team for the design and construction of a new public works facility. In June, we solicited proposals for design professional services which defined the following deliverables as two phases. The award for design services was made in November of 2012 to Clark Huesemann LC.

K.S.A. 19-216e outlines the selection process for Construction Managers, and it calls for a three step process.

- Phase I is the solicitation of qualifications and prequalifying a short list of firms to advance to phase II.
- Phase II is the solicitation of a request for proposal for the project.
- Phase III includes an interview with each firm to present their qualifications and answer questions.

Eleven proposals were received for Phase I. They were The Konrath Group, Turner Construction, McPherson Contractors, B.A. Green Construction, Fogel-Anderson Construction, Burns & McDonnell, McCown Gordon, Prosser-Wilbert Construction, Titan Built, LLC, Universal Construction, and Mar Lan Construction. The statute specifies that only three to five firms can advance to Phase II. The evaluation committee members were Commissioner Nancy Thellman, Sarah Plinsky, Keith Browning, Terese Gorman, and Eileen Horn. Jackie Waggoner and Chris Burger from Stevens and Brand LLP assisted the team with the selection process and contract negotiations.

Based on the quality of the proposals and the experience with similar projects, the committee advanced five firms and interviewed five firms. The statute outlines the evaluation process used to identify the best value based on the proposal criteria and weighting factors utilized to emphasize important elements of each project. The evaluation is to be based upon objective criteria related to price, features, functions, life-cycle costs and other factors. Below is the ranking of each firm at the end of Phase II and Phase III.

	Rank – Phase II	Rank – Phase III
McCown Gordon	1	1
Turner	2	2
Prosser- Wilbert	3	4
Mar Lan	4	3
Fogel Anderson	5	5

These rankings represent their numeric score turned into rank order. The numeric score is available upon request. McCown Gordon is the top ranked firm and is the recommendation of the committee. They have significant experience with this building type and the delivery method. Our Design Team has worked with this firm in the past and recommended their selection on this project. They have significant experience with pre-construction services and sustainable design. McCown Gordon has delivered other successful projects in Douglas County and has made a commitment to use qualified local contractors where possible. The fees from all of the firms were competitive.

The cost of this proposal is broken into phases. For the Preconstruction services, the County and McCown Gordon have agreed upon a flat rate of \$22,500. Once Preconstruction is complete and the County agrees to proceed with the project, McCown Gordon will agree to perform the work for a Guaranteed Maximum Price (GMP) which will include within it its costs of the work, plus fixed percentages for General Conditions and Fee. The GMP will be submitted to the Commission for approval as soon as it is available.

	Pre Construction Services	General Conditions	Fee for Service
McCown Gordon	\$22,500	4.20%	2.75%
Turner Construction	\$54,500	2.75%	2.75%
Mar Lan Construction	\$10,000	4.25%	3.50%
Prosser Wilbert Construction	\$20,000	3.90%	2.50%
Fogel Anderson	\$25,000	3.50%	2.00%

Given the timing on the bond issuance, staff will bring back the estimated total project costs to the Commission within the next 30 to 60 days to proceed with the project and the bond issuance. The bond issuance will set a total project amount to be financed with debt proceeds. Once the County issues debt, it is indicating its intention to proceed with the construction of the new facility. The actual GMP will continue to be refined and will be finalized in early third quarter of 2013 and brought before the Commission for approval.

The contract documents are being finalized and reviewed by counsel and will be available at the Commission meeting. The committee will be available to answer questions, as well as representatives from McCown Gordon.

Recommended Motion: Award a contract to McCown Gordon for Construction Manager at Risk services for the construction of a new Public Works Facility according to the terms outlined in the contract agreement.