

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, OCTOBER 14, 2015

4:00 p.m.

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;

REGULAR AGENDA

- (2) Consider a resolution revising the alcohol exemption for the Fairgrounds
(Drew Vincent)
- (3) Consider request for funding for Transitional Housing for Lawrence Community Shelter clients (Shannon Oury)
- (4) **CUP-13-00281**: Extension request for Conditional Use Permit approval and a revised site plan for Public Wholesale Water Supply District #25 water treatment plant on approximately 28 acres northeast of the intersection of N 1500 and E 1750 Roads. The CUP was approved by the Board of County Commissioners at their September 23, 2013 meeting. Mary Miller is the Planner.
- (5) Consider joining JoCo Mandamus action (Steve Miles)
- (6) (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments
 - Board of Construction Codes Appeals (1) position**
 - (c) Public Comment
 - (d) Miscellaneous
- (7) Adjourn

WEDNESDAY, OCTOBER 21, 2015

-Discussion of wind energy zoning next steps. (Eileen Horn)

WEDNESDAY, OCTOBER 28 , 2015

WEDNESDAY, NOVEMBER 4, 2015

WEDNESDAY, NOVEMBER 11, 2015

WEDNESDAY, NOVEMBER 18, 2015

-Consider conveying real estate property to Economic Development Corporation of Lawrence (Craig Weinaug)

WEDNESDAY, NOVEMBER 25, 2015 – Cancelled

***Note:** The Douglas County Commission meets regularly on Wednesdays at 4:00 P.M. for administrative items and 6:00 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.*



**Memorandum
Douglas County, Kansas
Administration**

To: Board of County Commissioners
Craig Weinaug, County Administrator
Sarah Plinsky, Asst. County Administrator

From: Drew Vincent, Intern to the County Administrator

Date: October 9, 2015

RE: Douglas County Fairgrounds Alcohol Policy Exemption

Background

Due to the renovations being made to the Douglas County Fairgrounds, several policies are being revisited in expectation that the facilities will experience expanded usage. One such policy is the County's alcohol provision for the Fairgrounds. Currently, all alcohol is prohibited at the grounds:

Chapter 8, Article 1, Section 8-106 of the Douglas County Code:

“(a) Alcohol. No alcoholic liquor, wine, beer or cereal malt beverages may be served, consumed, possessed or carried on Fairgrounds premises. Violators shall be subject to prosecution under K.S.A. 41-719, and amendments thereto or section 8-107. A violation of K.S.A. 41-719 is punishable by a fine of not less than \$50 or more than \$200 or by imprisonment for not more than six months, or both.”

The statute mentioned, K.S.A. 41-719 (included in full in the Appendix A), outlines prohibited acts and penalties related to alcohol. While it does prohibit individuals from drinking or consuming alcohol on public property (subsection c.), it allows the Board of County Commissioners to exempt, by resolution, specified areas of the county from these provisions (subsection e.).

Considerations

If an exemption is approved by the Commission, the next step would be the creation and approval of policies and procedures that would be used to guide the specifics of alcohol limitations. For example, steps for how an applicant should request necessary permits, the time frame that alcohol sales would be allowed, and security arrangements would be included, among other provisions. This can be done one of two ways: (Option 1) rules and procedures could be drafted by the Management Intern, reviewed by Facilities and the Sheriff's Office (and any other pertinent parties) for input and refinement, and then brought before the Commission at a later date for discussion; or (Option 2) rules and procedures could go through the same procedure as listed above minus a return to the Commission, with the responsibility of final review and approval delegated to the County Administrator. An example of possible rules and procedures is included in the Appendix B.

Recommendation

Approve the resolution exempting the Douglas County Fairgrounds from alcohol restrictions and authorize the Management Intern to develop rules and procedures with the County Administrator providing oversight and final approval (Option 2, as detailed above).

APPENDIX A

K.S.A. 41-719: Consumption of alcoholic liquor prohibited in certain places; exemptions.

(a) (1) Except as otherwise provided herein and in K.S.A. 8-1599, and amendments thereto, no person shall drink or consume alcoholic liquor on the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways.

(2) Alcoholic liquor may be consumed at a special event held on public streets, alleys, roads, sidewalks or highways when a temporary permit has been issued pursuant to K.S.A. 41-2645, and amendments thereto, for such special event. Such special event must be approved, by ordinance or resolution, by the local governing body of any city, county or township where such special event is being held. No alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads or highways at any such special event.

(3) No person shall remove any alcoholic liquor from inside the boundaries of a special event as designated by the governing body of any city, county or township. The boundaries of such special event shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be possessed or consumed at such special event.

(4) No person shall possess or consume alcoholic liquor inside the premises licensed as a special event that was not sold or provided by the licensee holding the temporary permit for such special event.

(b) No person shall drink or consume alcoholic liquor on private property except:

(1) On premises where the sale of liquor by the individual drink is authorized by the club and drinking establishment act;

(2) upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(3) in a lodging room of any hotel, motel or boarding house by the person occupying such room and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(4) in a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place; or

(5) on the premises of a manufacturer, microbrewery, microdistillery or farm winery, if authorized by K.S.A. 41-305, 41-308a, 41-308b or K.S.A. 2014 Supp. 41-354, and amendments thereto.

(c) No person shall drink or consume alcoholic liquor on public property except:

(1) On real property leased by a city to others under the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real property is actually being used for hotel or motel purposes or

purposes incidental thereto.

(2) In any state-owned or operated building or structure, and on the surrounding premises, which is furnished to and occupied by any state officer or employee as a residence.

(3) On premises licensed as a club or drinking establishment and located on property owned or operated by an airport authority created pursuant to chapter 27 of the Kansas Statutes Annotated, and amendments thereto, or established by a city.

(4) On the state fair grounds on the day of any race held thereon pursuant to the Kansas parimutuel racing act.

(5) On the state fairgrounds, if: (A) The alcoholic liquor is domestic beer or wine or wine imported under subsection (e) of K.S.A. 41-308a, and amendments thereto, and is consumed only for purposes of judging competitions; (B) the alcoholic liquor is wine or beer and is sold and consumed during the days of the Kansas state fair on premises leased by the state fair board to a person who holds a temporary permit issued pursuant to K.S.A. 41-2645, and amendments thereto, authorizing the sale and serving of such wine or beer, or both; or (C) the alcoholic liquor is consumed on nonfair days in conjunction with bona fide scheduled events involving not less than 75 invited guests and the state fair board, in its discretion, authorizes the consumption of the alcoholic liquor, subject to any conditions or restrictions the board may require.

(6) In the state historical museum provided for by K.S.A. 76-2036, and amendments thereto, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(7) On the premises of any state-owned historic site under the jurisdiction and supervision of the state historical society, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(8) In a lake resort within the meaning of K.S.A. 32-867, and amendments thereto, on state-owned or leased property.

(9) In the Hiram Price Dillon house or on its surrounding premises, subject to limitations established in policies adopted by the legislative coordinating council, as provided by K.S.A. 75-3682, and amendments thereto.

(10) On the premises of any Kansas national guard regional training center or armory, and any building on such premises, as authorized by rules and regulations of the adjutant general and upon approval of the Kansas military board.

(11) On the premises of any land or waters owned or managed by the department of wildlife, parks and tourism, except as otherwise prohibited by rules and regulations of the department adopted by the secretary pursuant to K.S.A. 32-805, and amendments thereto.

(12) On property exempted from this subsection (c) pursuant to subsection (d), (e), (f), (g) or (h).

(d) Any city may exempt, by ordinance, from the provisions of subsection (c) specified property the

title of which is vested in such city.

(e) The board of county commissioners of any county may exempt, by resolution, from the provisions of subsection (c) specified property the title of which is vested in such county.

(f) The state board of regents may exempt from the provisions of subsection (c) the Sternberg museum on the campus of Fort Hays state university, or other specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(g) The board of regents of Washburn university may exempt from the provisions of subsection (c) the Mulvane art center and the Bradbury Thompson alumni center on the campus of Washburn university, and other specified property the title of which is vested in such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(h) The board of trustees of a community college may exempt from the provisions of subsection (c) specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(i) Violation of any provision of this section is a misdemeanor punishable by a fine of not less than \$50 or more than \$200 or by imprisonment for not more than six months, or both.

(j) For the purposes of this section, "special event" means a picnic, bazaar, festival or other similar community gathering, which has been approved by the local governing body of any city, county or township.

APPENDIX B

****Note:** This is *only* an example and is included solely for demonstration purposes.

Douglas County Fairgrounds

Office: 1100 Massachusetts Street, Lawrence, KS 66044 * (785) xxx-xxxx

Office and Maintenance staff is here to assist you in preparing for a successful event. Please read the following information and ask questions if you don't understand or need additional information.

RULES & REGULATIONS FOR FAIRGROUNDS RENTALS:

Quick basics:

- The renter/event host is responsible for the action of their guests.
- Each building and area has a “maximum capacity” number established by law from the Kansas State Fire Marshal. Failure to comply with the law will result in turning away your guests or closing down your activity and forfeiture of all fees.
- Alcohol is NOT allowed at events given for persons under 21 years of age. Misrepresenting the nature of the event could result in closing the event and forfeit of all fees.
- Alcohol is PROHIBITED from the 4-H Fair. No alcohol permit applications will be entertained.
- ABC license must be obtained at least 4 weeks prior to the event and signed off by the Fair Office and the Douglas County Sheriff's Office.
- All alcoholic beverages must be removed from public view and not available for consumption after 11:30 p.m.
- Security must be in place, at the event, 30 minutes prior to the start of the event (invitation time) and remain 30 minutes following the close of the event or designated by Fair Management.
- It is the renter's responsibility to work with security in controlling the bad behavior of their guests.
- Midnight is the end of the event (music stops at 11:45pm, guests leave).
- Management reserves the right at any time to make changes to these rules and regulations as deemed necessary.

Alcohol:

- No alcohol is allowed at events given for persons under 21 years of age. Misrepresenting the nature of the event could result in closing the event and forfeit of all fees.
- Any renter, club or organization planning to SELL alcoholic beverages MUST obtain a valid liquor license from the Kansas Division of Alcoholic Beverage Control (<http://www.ksrevenue.org/abc.html>). The application form must be signed by the Douglas County Sheriff's Office and the Fairgrounds Office at least 4 weeks prior to the event. A copy of the ABC liquor license must be submitted to the Fairgrounds Office. During the event, the original license must be posted at the bar serving area. Selling includes the following:
 - Direct sales of alcoholic beverages.
 - Selling of drink tickets to exchange for alcoholic beverages.
 - Including alcoholic beverages in the prices of a ticket for the event (i.e., dinner/dance tickets, etc.)

- Beverages (both non-alcohol and alcoholic) must be sold and/or served in unbreakable cups for all outdoor events. If alcohol is being served, separate cup types (i.e., color) must be used to distinguish between alcohol and non-alcoholic beverages.
- For building rentals, no alcohol may be consumed outside of buildings. No alcohol allowed on grounds (outside) for building rentals. Failure to regulate may result in closure of the event.
- All alcoholic beverages must be removed from public view and not available for consumption after 11:30 p.m.
- Anytime the renter collects money and in turn the renter provides alcoholic beverages, liquor liability insurance is required. Renter is the only authorized entity to provide alcohol at the Fairgrounds facilities. Violation of this policy will result in forfeiture of building rental cost, security deposit and immediate closure of the event.
- Responsibility and liability for following the regulations from ABC and the Fairgrounds is that of the Renter. Selling or providing alcohol to minors (under 21 years of age) is illegal. It is also illegal to continue to sell or provide alcohol to someone who has had too much to drink. Renter will need to make arrangements if guest/s cannot drive or are misbehaving. The security team will be able to assist.
- In accordance with the ABC “Alcohol Management Policies – Guide Practices for Fairs & Special Events.”
 - Servers must be at least 21 years of age to sell or serve alcohol.
 - Servers may not consume alcohol while on duty because alcohol affects one’s ability to make good judgments.
 - Patrons must be at least 21 years old to be served alcohol.
- Consider using professional bartenders.

Security:

- Security is required and must be provided by a company pre-approved by the Fairgrounds. A copy of the Security Contract is required in our office no less than 30 days prior to the event. Failure to submit security contract with number of required security personnel representing the building(s) and/or area of the event could result in cancellation of event and forfeiture of deposit. Security must be in place, at the event, 30 minutes prior to the start of the event (stated on the invitation) and remain 30 minutes following the close of the event or designated by Fair Management.
- Minimum required security guards for buildings: (List Locations and Numbers Here). Fair Management will work with group organizers on security needs for outdoor and larger events. Some events may also need to add “wandering” stations for their event. Depending on the type of event, Fair Management may determine if additional security guards are needed.
- To insure a safe and well run event, the renter/event host and an assistant will meet with security personnel, prior to the event, to discuss policies and determine a plan if problems should occur. Renter (or designated person) and security personnel should be in communications during the event. It is the renter’s responsibility to work with security personnel in controlling any negative behavior of their guests.
- Security personnel can assist renter (by advising and/or assisting) in insuring that alcohol is not served to minors, that adequate arrangements have been made to check identifications and have sufficient supervision provided to avoid servicing alcohol to persons already having too much alcohol.
- Responsibility of alcohol regulations is that of the renter. Monitoring and insuring that regulations are met is the responsibility of the security team. They will also call Fair Management for support and/or Law Enforcement agencies if needed.

- Alcohol will not be served or present at an event if the event is for a minor (under 21 years of age). This includes the parking lots. Security will stop the serving of alcohol and contact Fair Management to close the event.
- Failure to follow the Fairgrounds policies and/or maintain an orderly event, the security team can stop the event and will contact Fair Management. Security also has the authority to ask for additional support from either their company and/or local law enforcement. Additional security personnel may result in additional cost to the renter. This will also result in the forfeiture of the event deposit.
- For building rentals, no alcohol may be consumed outside of buildings. No alcohol allowed on grounds (outside) for building rentals and parking lots. Failure to regulate may result in closure of the event.

RESOLUTION NO. 15-____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, EXEMPTING THE DOUGLAS COUNTY FAIRGROUNDS FROM K.S.A. 41-719 (C).

WHEREAS, the Board of County Commissioners desires to exempt the Douglas County Fairgrounds from K.S.A. 41-719 (c).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, SITTING IN REGULAR SESSION DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. AMENDMENTS TO COUNTY CODE. Section 8-106 (a) of the Douglas County Code is hereby amended to read as follows:

8-106. RULES AND REGULATIONS.

(a) Alcohol. Pursuant to K.S.A. 41-719 (e), the Board exempts the Douglas County Fairgrounds from K.S.A. 41-719 (c). Alcoholic liquor, wine, beer or cereal malt beverages may be served, consumed, possessed or carried on the Fairgrounds premises, but only in accordance with policies, procedures, and permits of Douglas County. The Board authorizes the County Administrator to adopt policies and procedures and issue event permits for the serving, consumption, possession, and carrying of alcoholic liquor, wine, beer, and cereal malt beverages on the Fairgrounds premises. Violators shall be subject to fine under Section 8-107.

Sections 8-106 (b), (c), (d) are not amended and are affirmed.

Section 2. EFFECTIVE DATE. This is a regular resolution and shall take effect and be in force and effect from and after its adoption.

ADOPTED: _____. 2015.

BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS

Jim Flory, Chair

Nancy Thellman, Member

Mike Gaughan, Member

ATTEST:

Jameson D. Shew, County Clerk

Memorandum

TO: Douglas County Commission
Craig Weinaug, County Administrator

FROM: Shannon Oury, Executive Director, Lawrence Douglas County
Housing Authority

Date: October 7, 2015

RE: Request for Funding for Transitional Housing for Lawrence
Community Shelter Clients

Narrative

The Lawrence Douglas County Housing Authority (LDCHA) was approached about the possibility of the agency administering a program to house current guests of the Lawrence Community Shelter (the "Shelter") if funding was provided. The LDCHA confirmed that it could set up and run a program similar to the current HOME Transitional Housing program. The Transitional Housing program currently has 53 households on the waiting list and 17 of those households reside at the Shelter. Current federal funding for the HOME Transitional Housing program has been significantly cut for the past three years to the extent that the Shelter and other social service agencies have a greater challenge finding housing for participants. See HOME Funding Chart.

The LDCHA's current Transitional Housing program provides up to 24 months of rent subsidy and one-time grants for security and utility deposits. Households rent from private market landlords and pay a portion of the total rent, with the LDCHA paying the difference between what the participant can afford and the total rent. Monthly rent subsidy, utility and security deposit grants are paid directly to the landlord or to the utility provider. The household enters into an agreement to participate in support services while in the Transitional Housing Program with one of the following partners:

- Bert Nash Homeless Outreach Team
- Catholic Charities Northeast Kansas
- Heartland Community Health Center
- Douglas County Sheriff's Reentry Program
- ECKAN
- Family Promise of Lawrence
- Independence, Inc.
- Lawrence Community Shelter
- Willow Domestic Violence Center

LDCHA Resident Services

On August 11, 2015 the Lawrence City Commission allocated \$100,000 in funding in the 2016 budget for a Transitional Housing program that will be aimed at reducing the homeless population now being served at the Lawrence Community Shelter. The Commissioners agreed to identify the program requirements at a later date with a focus on housing as many households as possible with this funding.

Program Requirement Options: The following options have been identified as possible program requirements for targeted utilization of these funds.

Working participants

The rental assistance provided is based on approximately 30% of the household's income. This means more subsidy is required for households that have zero income as opposed to households that have income either through work or through Social Security disability or income, benefits, or from other sources. The Shelter reports that of the 10 families identified below, 7 have earned income or SSI/SSDI assistance, as of September 30, 2015. The Shelter has a total of 63 guests receiving income in some form.

Families

Of the 17 households at the Shelter that are on the Transitional Housing waiting list, 10 are families ranging in number from 2 to 7 members. The cost of housing increases as the number of family members increase. The LDCHA estimates it could house 9 households, including households of one, for 24 months with \$100,000. If the funds were directed at housing families, the LDCHA believes it could only house 5 - 6 families for the same time period.

Family	Adults	Children
1	2	5
2	2	1
3	1	4
4	1	1
5	2	1
6	2	5
7	1	2
8	1	2
9	1 (pregnant)	0
10	2	4

Bert Nash Clients

The Shelter estimates that 30-40% of guests at the Shelter are working with the Bert Nash Community Center. There has been a discussion of directing some funding to clients of Bert Nash. The following identifies the number of families who are working and receiving services from Bert Nash.

Family	Notes
1	The mother is employed. No BN services at this time. This family is currently on the transitional housing waiting list.
2	Child born while mother residing at LCS. Mother receives SSI income and is a BN client. Family was on transitional housing waiting list and moved out within the last few days.
3	
4	The mother is employed. This family is on the transitional housing waiting list.
5	The mother is employed and is a BN client. She has applied for SSI for the child. This family is currently on the transitional housing waiting list.
6	The mother receives SSI for herself and two of the children. The mother is a BN client. We are currently waiting on copies of birth certificates to complete the housing application.

7	The mother is employed and is a BN client. She is on track to complete a housing application this week.
8	
9	The mother-to-be is a BN client and has a disability determination hearing on 10/6/2015.
10	The family just received a housing voucher and is moving out. That may be complete as of the time of this writing.

Other Considerations

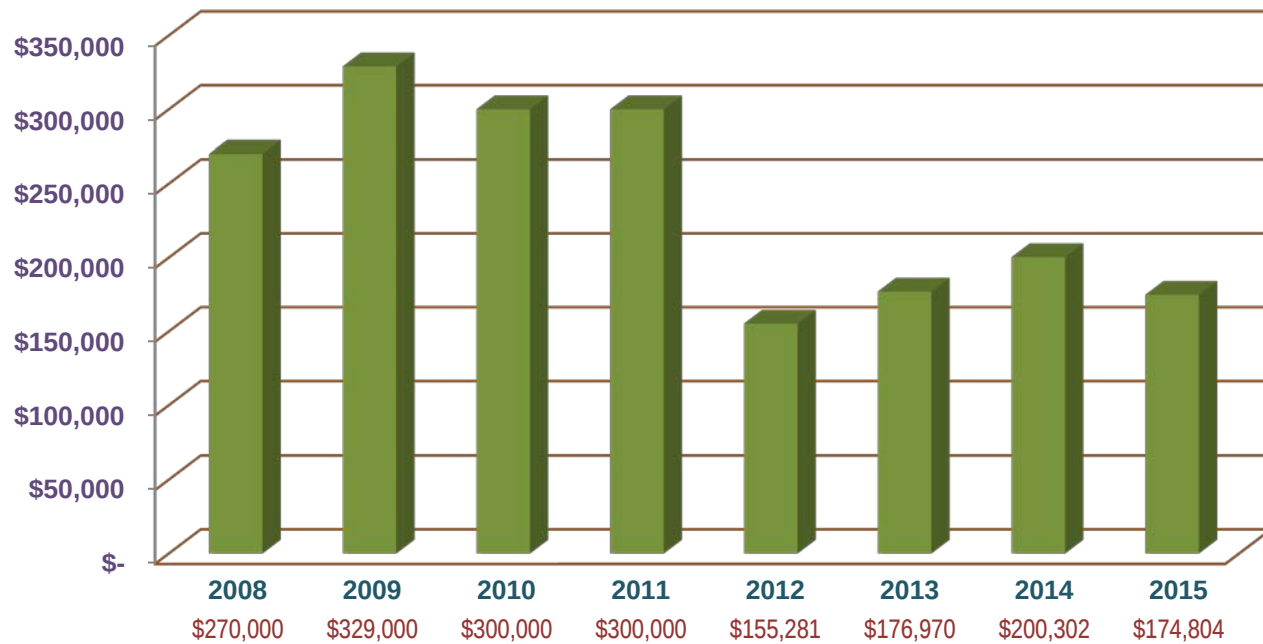
The LDCHA will want the program eligibility requirements to mirror its existing HOME Transitional Housing requirements. A copy of the program outline is attached.

The LDCHA HOME Transitional Housing program has historically been funded by the federal government through HUD, but the HOME program is experiencing unprecedented cuts and it appears that in the future this program may be defunded. The community is already experiencing the impact of these cuts. A local solution will need to be developed to address this community need.

Request: The LDCHA requests that the County Commission authorize funding of \$50,000 for 2015, and possibly additional funding in future years.

Lawrence-Douglas County Housing Authority
Transitional Housing Program

HOME Grant Amounts



HOME Grants are funded by HUD and allocated by the City.

Transitional Housing Program Description

HOME Tenant-Based Rental Assistance (TBRA)

The Transitional Housing Program provides up to 24 months of rent subsidy and one-time grants for security and utility deposits. Families rent from private market landlords and pay a part of the total rent. Monthly rent subsidy, security deposit and utility grants are paid directly to the landlord or utility provider. Support services are provided under agreements between the household and a service provider.

To be eligible for the program a household must:

- Have a gross annual income below 60% of the area median income for Douglas County Kansas.
- Meet all LDCHA General Housing eligibility criteria except residential history. The residential history requirement is waived due to a commitment to participate in housing stabilization services.
- Enter into an agreement to participate in support services.
- The household cannot have a history of violent or drug related criminal activity, deliberate or willful damage to property, or have a member required to register due to a sex crime.
- Transitional Housing households must take the LDCHA Renter Education Program.
- Preference is given to Douglas County residents.

Households eligible for the Transitional Housing Program are housed from separate waiting lists. Households that successfully complete the 24-month Transitional Program will be transitioned into a LDCHA permanent housing program when it becomes available, and if eligible. To be eligible the household must receive a good reference from their current landlord, the rental unit must be in good condition, and they must not have any unresolved program violations. The LDCHA confirms eligibility for General Housing with the landlord and conducts an inspection of the rental unit. Households can have their Transitional Housing subsidy suspended for violations of their lease or their program responsibilities.

The LDCHA has two HOME TBRA grants, one from the State of Kansas, administered on behalf of the Bert Nash Community Mental Health Center, and one from the City of Lawrence, both are used to fund rental subsidy contracts for low income households.

1) Bert Nash Community Support Services Program for Persons with Mental Illness (CSS Transitional Housing Program)

The household must be referred for housing by the Bert Nash Community Support Service program and have an agreement for services with the Bert Nash Center. Families interested in the program who are not already in services with the Bert Nash Center are referred to the Center. HOME TBRA funds from the State of Kansas can be used throughout Douglas County.

2) LDCHA Homeless Transitional Housing Program

The household must be referred for housing by an agency providing housing support services. The LDCHA has interagency agreements with the following local agencies serving homeless families and individuals:

- Bert Nash Center Homeless Outreach Team
- Catholic Charities of Northeast Kansas
- Heartland Community Health Center
- Douglas County Sheriff's Reentry Program
- ECKAN
- Family Promise of Lawrence
- Independence, Inc.
- Lawrence Community Shelter
- LDCHA Resident Services
- Willow Domestic Violence Center

To qualify for the program, families must be homeless according to the federal definition provided in 24 CFR 91.5:

- 1) Literally Homeless: individual or family who lacks a fixed, regular, and adequate nighttime residence.
- 2) Imminent Risk of Homelessness: individual or family who will imminently lose their primary nighttime residence.
- 3) Homeless Under Other Federal Statutes: homeless youth, or families with children and youth, eligible
- 4) Any individual or family fleeing or attempting to flee domestic violence.

Properties subsidized through the LDCHA Homeless Transitional Housing Program must be in the City of Lawrence.

Memorandum

City of Lawrence-Douglas County

Planning & Development Services

TO: Board of County Commissioners

CC: Craig Weinaug, County Administrator

FROM: Mary Miller, Planner

Date: October 8, 2015

RE: The following items related to **CUP-13-00281**: Conditional Use Permit for a water treatment plant for Public Wholesale Water Supply District No. 25, located ¼ mile east of the intersection of E 1750 Rd and N 1500 Rd:

- a) One year extension request.
- b) Removal of condition requiring that the property be platted.
- c) Revised site plan.

ATTACHMENTS:

A: Written Request for Extension

B: CUP plan

This request is for the following:

- a) A one-year extension to the approval of the Conditional use,
- b) Removal of the condition that the property be platted prior to release of the Conditional Use Permit plan to Zoning and Codes, and
- c) Approval of the revisions proposed to the site plan.

These items are discussed separately in this memo.

EXTENSION REQUEST

At their September 23, 2013 meeting, the Board of County Commissioners voted unanimously to approve the Conditional Use Permit for the Public Wholesale Water Supply District No. 25 Water Treatment Plant subject to the following conditions:

- 1) The CUP shall comply with the terms, conditions, and limitations specified in the Division of Water Resources permit.
- 2) The property shall be platted prior to release of the Conditional Use Permit plan to Zoning and Codes.
- 3) The provision of a revised Conditional Use Site Plan with the following changes:
 - a. Delineation of a wooded area near the east side of Tract 2 that is 20 ft wide and extends 240 ft north of the south property line, and the addition of the following note: *"The trees and other vegetation in this area will be retained"*

to screen the facility from the east. In the event the trees are removed, native conifers will be planted on 30 ft centers to provide screening."

- b. Note the revision date on the plan.
- c. Show one ADA accessible parking space on the plan. This space shall also be marked and signed on site.

Per Section 12-319-2, if a building permit is not obtained for the site within one year of the Commission's approval of the CUP, the approval becomes null and void unless an extension is requested prior to that date. The applicant submitted a written request for an extension prior to the deadline and the County Commission approved a one-year extension to September 23, 2015.

The applicant submitted a written request for an extension prior to that deadline which is included as Attachment A.

The applicant indicated that through the finalization of the design plans it was determined that the treatment process would need to include lime softening. This required additional indoor facilities, which requires a larger building, as well as a lime silo and lagoons to collect the lime slurry and hold the backwash from the facility. Due to the additional facilities, the site had to be redesigned, and the building permit for the facility could not be obtained within the required time frame.

Planning staff provided mailed notification to all property owners within 1000 ft of the subject property of the extension request and revised site plan. No comments have been received as of the date of this memo.

RECOMMENDATION:

Based on these factors, staff recommends approval of a one-year extension to the approval for CUP-13-00281, Conditional Use Permit for water treatment plant for Public Wholesale Water Supply District No. 25 subject to the conditions approved by the County Commission at their September 23, 2013 meeting, revised as needed based on the Commission's action on the requirement to plat and the revised site plan.

PLATTING

The CUP was processed under the assumption that platting of the property would be required as the water district purchased tracts that were divided from larger properties. Staff has since identified an exception in the Subdivision Regulations (Section 20-801(d)(2)) that exempts platting for a division occurring through the transfer of land for easements for public utilities. As easements do not involve land divisions, this issue was referred to the County Counselor who determined the intent of the language was related to land divisions for public utilities rather than to easements.

As platting is not required under the Subdivision Regulations, staff requests that the Commission remove this condition from the Conditional Use Permit.

Recommendation: Staff recommends that the County Commission remove the condition on the Conditional Use Permit that requires the property to be platted

prior to the Conditional Use Permit plans being released to the Zoning and Codes Office.

REVISED SITE PLAN

As noted above, the site was redesigned due to the need for lime treatment at the facility. The changes being proposed are changes to the site rather than to the Conditional Use. These can be accommodated with a revised site plan and either administrative or County Commission approval. Due to the scope of the changes, the site plan has been placed on the County Commission's agenda for consideration and action.

PARKING

Additional parking is being provided with this site plan. The previous plan provided a general area to accommodate delivery trucks and employee parking. Two employees are anticipated, which would require 1 parking space. The revised plan provides a dedicated parking area on the south side of the building with 12 spaces for employees and visitors to the site. One ADA accessible parking space is shown on the plan, but this should be dimensioned to insure compliance with ADA standards. The visitor parking would be used infrequently and is intended primarily for occasional visits from Board members. No meeting rooms are being provided in the building. The parking is setback 20 ft from the property line per the County Engineer's recommendation to allow space for future improvements to N 1500 Road.

FACILITY EXPANSION

The facility and the water ground storage tank will both be expanded to accommodate the lime treatment. In addition, a 65 ft lime storage silo and 2 settling lagoons for the backwash water will be provided. The lagoons will provide a settling area to remove the lime from the water before it is returned to the river.

The difference in the proposed site plan from that previously approved is shown in the following table. The facility will increase in height to 35 ft and a total area of 6,875 sq ft. The impervious surface coverage will increase from 30,000 sq ft (approximately 2.6% of the total site area) to 48,400 sq ft (approximately 4% of the total site area).

COMPARISON TABLE			
	APPROVED PLAN	REVISION	CHANGE
Treatment Building			
Area	125 ' x 125' 15,625 sq ft	150' x 150' 22,500 sq ft	+ 6,875 sq ft
Height	20 ft	35 ft	+ 15 ft
Parking	1 space	12 parking spaces	+ 12 spaces
Development Area	240' x 125' 30,000 sq ft	220' X 220' 48,400 sq ft	+18,400 sq ft
Water Storage Tank	25' x 100' diameter 106,250 cu ft	35' x 85' diameter 203,205 cu ft	+ 10' in height +96,955 cu ft
Lime Silo	16' X 65' diameter 54,711 cu ft	----	Addition of lime silo
Landscaping	Screening trees	No change	---
Lagoons	0	2	Addition of lagoons

FLOODPLAIN

The property is encumbered with the regulatory floodplain. A Floodplain Development Permit will be required if any fill is placed within the 100 year floodplain. No fill is permitted within the floodway. The floodplain boundary on the plan varies slightly from that on the FEMA maps and should be readjusted to match the FEMA maps.

LANDSCAPING

Evergreen trees are shown along the roadway and the west property line to buffer the facility from the right-of-way. A condition of the original CUP was the delineation of an area 20 ft wide on the east side of the smaller tract (with the lagoons) and extending 240 ft north from the south property line for future screening landscaping. The following note was to be added to the plan: *"The trees and other vegetation in this area will be retained to screen the facility from the east. In the event the trees are removed, native conifers will be planted on 30 ft centers to provide screening."* The revised site plan identifies an area to the east and south side of the east tract where vegetation is to be retained. The following revised note should be added to the plan: *"If the trees and other vegetation in the areas designated for protection on Tract 2 are removed or damaged to the extent they no longer provide screening, native conifers will be planted on 30 ft centers, as needed, to provide screening."*

No change is being proposed to the landscaping and it should remain an effective buffer.

LIGHTING

Lighting will be mounted about 10 ft high on the walls on the west and north sides of the building. The lighting will be pointed downward to illuminate the side of the building. There should be no glare to off-site properties.

OTHER

Approximately one delivery per week is anticipated. The typical delivery truck would be a box truck, although semi-trucks may occasionally be used. The delivery activity should remain compatible with the surrounding area. The facility would be staffed with one or two employees; no increase in employees is expected with the addition of the lime treatment.

SUMMARY

The addition of lime treatment to the facility will require an expansion of the building, both in area and height; a larger water storage tank; and the addition of a lime treatment silo and settling lagoons. The larger facility will remain compatible with the surrounding area.

STAFF RECOMMENDATION

Staff recommends approval of the revised site plan for CUP-13-00281, Public Wholesale Water Supply District No. 25, for expansion of the facility and parking area, as well as addition of lime storage tower and settling lagoons subject to the following conditions of approval:

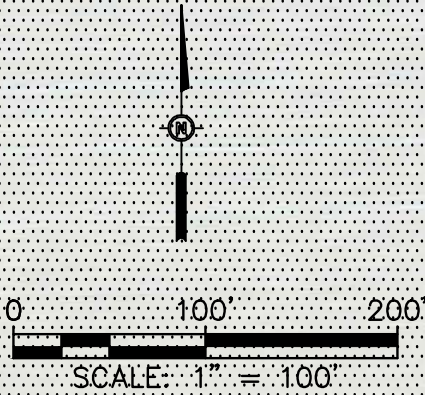
- 1) Applicant shall provide a revised plan to the Planning Office with the following changes:
 - a. Provision of one ADA accessible parking space in the parking area, this space shall also be marked and signed on site.
 - b. Floodplain boundary lines readjusted to match the FEMA maps.

- c. Addition of the following note: *"A Floodplain Development Permit shall be obtained from the Douglas County Zoning and Codes Office prior to the placement of any fill in the 100 year floodplain. No fill is permitted in the floodway."*
- d. Dimensions added to the access drives.
- e. The following revised note should be added to the plan: *"If the trees and other vegetation in the areas designated for protection on Tract 2 are removed or damaged to the extent they no longer provide screening, native conifers will be planted on 30 ft centers, as needed, to provide screening."*

CUP REVISED CONDITIONS

Deleted wording ~~struckthrough~~, added wording shown in **bold**.

- 1) The CUP shall comply with the terms, conditions, and limitations specified in the Division of Water Resources permit.
- 2) ~~The property shall be platted prior to release of the Conditional Use Permit plan to Zoning and Codes.~~
- 3) The provision of a revised Conditional Use Site Plan with the following changes:
 - a. ~~Delineation of a wooded area near the east side of Tract 2 that is 20 ft wide and extends 240 ft north of the south property line, and the addition of the following note: "The trees and other vegetation in this area will be retained to screen the facility from the east. In the event the trees are removed, native conifers will be planted on 30 ft centers to provide screening."~~
The following revised note should be added to the plan: "If the trees and other vegetation in the areas designated for protection on Tract 2 are removed or damaged to the extent they no longer provide screening, native conifers will be planted on 30 ft centers, as needed, to provide screening."
 - b. ~~Note the revision date on the plan.~~
 - c. **Show one ADA accessible parking space on the plan, with dimensions. This space shall also be marked and signed on site.**
 - d. **Floodplain boundary lines readjusted to match the FEMA maps.**
 - e. **Addition of the following note: "A Floodplain Development Permit shall be obtained from the Douglas County Zoning and Codes Office prior to the placement of any fill in the 100 year floodplain. No fill is permitted in the floodway."**
 - f. **Dimensions added to the access drive.**

TRACT 1

COMMENCE AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER;
THENCE ON AN ASSUMED NORTH AZIMUTH OF 88 DEGREES 27 MINUTES 56
SECONDS, 783.12 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER
TO THE POINT OF BEGINNING; THENCE 358 DEGREES 15 MINUTES 38 SECONDS,
1600.00 FEET; THENCE 88 DEGREES 27 MINUTES 56 SECONDS, 545.00 FEET TO
THE EAST LINE OF THE WEST HALF OF SAID SOUTHEAST QUARTER; THENCE 178
DEGREES 15 MINUTES 38 SECONDS, 1600.00 FEET ALONG SAID EAST LINE TO
THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE 268 DEGREES 27
MINUTES 56 SECONDS, 545.00 FEET ALONG SAID SOUTH LINE TO THE POINT OF
BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 20.02 ACRES, MORE OR LESS.

TRACT 2

COMMENCE AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER;
THENCE ON AN ASSUMED NORTH AZIMUTH OF 88 DEGREES 27 MINUTES 56
SECONDS, 1328.12 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER
TO THE POINT OF BEGINNING; THENCE 358 DEGREES 15 MINUTES 38 SECONDS,
870.00 FEET; THENCE 88 DEGREES 27 MINUTES 56 SECONDS, 400.00 FEET;
THENCE 178 DEGREES 15 MINUTES 38 SECONDS, 870.00 FEET ALONG SAID EAST
LINE TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE 268 DEGREES
27 MINUTES 56 SECONDS, 400.00 FEET ALONG SAID SOUTH LINE TO THE POINT
OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 7.99 ACRES, MORE OR LESS.

SURVEY NOTES:

1. THIS SURVEY DOES NOT CERTIFY OWNERSHIP.
2. ALL DISTANCES ARE MEASURED UNLESS OTHERWISE NOTED.
3. THERE ARE NO GAPS OR OVERLAPS OR KNOWN DISCREPANCIES BETWEEN OWNERSHIP OR POSSESSION, UNLESS SHOWN.
4. THE CLIENT DID NOT PROVIDE A TITLE INSURANCE POLICY. THERE MAY BE EASEMENTS OF RECORD OTHER THAN THOSE SHOWN HEREON.

NOTES:

1. CONCRETE ENTRANCE SURFACING SHOULD BEGIN AT LEAST 2' NORTH OF CHIP SEALED N1500 RD TRAVELWAY. THE AREA BETWEEN N1500 RD TRAVELWAY AND THE CONCRETE ENTRANCE SHOULD BE ASPHALT.
2. GRADING SHALL BE SUCH THAT SURFACE WATER DRAINAGE IS TO THE NORTH/NORTHWEST AWAY FROM N1500 RD.
3. ZONING: VC VALLEY CHANNEL
4. ACRES OUTSIDE THE REGULATORY FLOODPLAIN: TRACT 1, 4.198 Acres, TRACT 2, 5.856 Acres
5. PROPOSED USE: UTILITY
6. PARKING REQUIRED: --
7. PARKING PROVIDED: 12 SPACES

BARTLETT & WEST

CONDITIONAL USE PLAN WATER TREATMENT PLANT

**PUBLIC WHOLESALE WATER SUPPLY DISTRICT NO. 25
WATER SYSTEM IMPROVEMENTS
DOUGLAS COUNTY, KS**

1200 SW EXECUTIVE DR - TOPEKA, KS 66615
PHONE 785.272.2252 - FAX 785.272.7349
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DESIGNED BY:
DRAWN BY:
APPROVED BY:
DESIGN PROJ:
CONST PROJ:
SCALE:
DATE:
DRAWING NO:
SHEET NO:

Memo

To: County Commissioners
From: Steven Miles
cc: Craig Weinaug, County Administrator
Sarah Plinsky, Asst. County Administrator
Date: October 1, 2015
Re: Join Mandamus action

Late in the 2014 legislation, modifications were made to K.S.A. 79-1460 regarding the requirement for the county appraiser to maintain the value for the next two (2) succeeding years if the value of real property is reduced pursuant to the appeal process. These changes became effective January 1, 2015. Prior to this change the statute only required holding the value for one succeeding year. The value can be changed from the hearing results only if there were substantial and compelling reasons to do so. While the language "substantial and compelling" was in the statute prior to the 2014 changes, it was not clearly defined. A previous Board of Tax Appeals decision determined that mere changes to the market conditions were not substantial and compelling reasons. As a result, most counties, Douglas County included, retained the reduced valuation for the year following the successful appeal and changed the value based on market conditions the following year to attain fair market value. That changed with the 2014 legislative modifications.

The current wording of K.S.A. 79-1460 goes on to define what should be considered "substantial and compelling reasons".

- (1) The term "substantial and compelling reasons" means a change in the character of the use of the property or a substantial addition or improvement to the property;
- (2) The term "substantial addition or improvement to the property" means the construction of any new structures or improvements on the property or the renovation of any existing structures or improvements on the property. The term "substantial addition or improvement to the property" shall not include:
 - (a) Any maintenance or repair of any existing structures, equipment or improvements on the property; or
 - (b) Reconstruction or replacement of any existing equipment or components of any existing structure or improvement on the property.

Outside of a change in the footprint of the structure(s) on the property, almost nothing else qualifies as substantial and compelling reason to allow the value to change.

Not only does this create a preferential treatment of a segment of the taxpaying population, it sets up the very real possibility that, in an appreciating market, taxpayers could receive a very rude surprise in the fourth year after the appeal reduction when the property is once again valued at its fair market value equitable with other similar properties. This will impact residential owners more heavily than many commercial owners as the homeowner likely will not have budgeted for the increase in taxes. Those administering escrow accounts will likely have issues determining the escrow collection calculation. It also raises the question of fairness when other similar properties remain at fair market value and do not receive the benefit of the reduction in value.

The Kansas State Constitution provides that the legislature provide a uniform and equal basis of taxation. Under the current wording of K.S.A 79-1460, a segment of taxpayers will be treated differently than the others, which could be seen as a violation to the Kansas State Constitution.

Johnson County has asked several counties to join them in putting forth a mandamus action to request clarification of the statute. Johnson County has indicated that they will absorb the entire cost and do all of the work including research, writing, deposition and oral arguments. Should other counties wish to join the action, they will have input through legal counsel regarding briefs prior to filing. The Director of Property Valuation Division, Kansas Department of Revenue, would be the only one to give testimony.

It is believed that the Attorney General would most likely handle the mandamus action. However, it would originally be filed in Shawnee County. If the Attorney General steps in, it could go directly to the Kansas Supreme Court for a ruling.

Why a mandamus action? It avoids raising the issue in a particular tax appeal, or several, and thereby prevents complaints of harassment, bias or prejudice against any particular taxpayer(s). A published opinion from the court would clarify the definition and its ramifications throughout the state and not just a few counties.

Johnson County is requesting the support of Douglas County and others across the state, by joining in this action. The results will help to clarify how the Appraiser is to proceed and allow the taxpayers to know what to expect.

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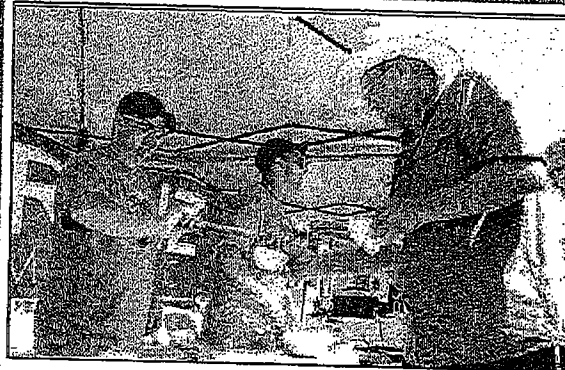
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Wednesday, September 30, 2015

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GHS, HESSTON COLLEGE COMBINE FOR CONCERT

KANSAN LIFE, PAGE A3



COOKOFF WINNERS NAMED

INSIDE, PAGE A10

TODAY THU FRI
74°/51° 69°/48° 67°/48°
Complete forecast, A2

Sports roundup
PAGE A7

NATION/WORLD

Snowden joins Twitter, follows NSA

NEW YORK — Edward Snowden, who has confounded U.S. officials since his abrupt departure from the country two years ago, has just found a new megaphone in Twitter. The former National Security Agency worker, who leaked classified documents about government surveillance, started tweeting Tuesday. He had more than 185,000 followers an hour after his first tweet, "Can you hear me now?"

—The Associated Press

LOCAL

Support group to

APPRAISALS AND APPEALS

Clarity sought in valuation process

County lends support to JOCO effort

By Nicolas Wahl
Newton Kansan
@NWahl_Kansan

Harvey County recently lent support for an effort led by the Johnson County appraiser's office which calls the effort a move toward clarification, uniformity and

fairness in the real property appraisal process.

Harvey County appraiser Craig Clough brought word of move to county commissioners, who voiced their support, during the Sept. 28 commission meeting.

While typically any non-agricultural real property is valued annually, legislation passed in 2014 is bucking the trend for property that has had its value reduced through the appeals

system, allowing the value to remain stagnant for two years following the reduction. Previously, the statute mandated one year.

"By holding that value, even though market conditions say it should increase, we have created a sub-class of citizens that have a tax advantage (over) owners of another property," said Johnson County appraiser Paul Welcome.

Welcome said by doing

so, the legislation, KSA 79-1460, flies in the face of the Kansas Constitution, which requires the legislature provide for a uniform and equal basis of taxation.

Under the previous legislation exceptions could be made if there was substantial and compelling reason to raise the value and the appraiser notifies the property owner prior to mailing the valuation notice. Substantial and compelling was

not defined.

Clough said the new legislation does define substantial and compelling, but the appraisers do not believe the definition adds clarity.

KSA 79-1460 reads "substantial and compelling reasons" mean a change in the character of the use of the property or a substantial addition or improvement

SEE COUNTY, A10

TASTE OF NEWTON

LOCAL LIMERICKS

Cook-off winners named



Community Child Care, sponsored by Kranz, placed second in their division of the "Pride Prairie" award at the Harvey County United Way Cook Off. COURTESY IMAGE

100 prize back to County United Way) e Newton Kansan rade Insurance

People's Choice was determined by e donations from wd based on which ey thought tasted the

le's Choice United rtner Agency:

rvey County Domestic e/Sexual Assault Task e House (sponsored Citizen's State Bank) mmunity Playschool ichita Children's

le's Choice Open

Class:

1. Conrade Insurance
2. Back Alley Pizza
3. Allmetal Recycling

Most Creative Booth Decoration award was judged by Gayle Funk, Leroy Koehn and Marilyn Sjogren. That winner was:

Newton Meals on Wheels partnered with St. Matthew's Representative Payee sponsored by Bethel College

The United Way Partner Agencies that participated in this year's Chili Cook-Off were Big Brothers Big Sisters, CASA (sponsored by Midland National Bank), Circles of Hope (sponsored by Everence Financial

Advisors), Community Playschool, Grand Central (partnered with Hesston Area Senior Center), Harvey County Domestic Violence/Sexual Assault Task Force/Safe House (sponsored by The Citizen's State Bank), Harvey County Infant Toddler Services (sponsored by Millennium Machine and Tool), Harvey County RSVP, Health Ministries (partnered with Harvey County Health Department, sponsored by Prairie View), Heart To Heart, Newton Community Child Care (sponsored by Kranz Motors), Newton Meals on Wheels (partnered with St. Matthew's Representative Payee and sponsored by Bethel College), Offender Victim Ministries, Sunshine Community Child Care (sponsored by Heartland Credit Union), Trinity Heights Respite Care (partnered with Salvation Army), United Cerebral Palsy of Kansas and Wichita Children's Home.

The Open Class participants this year were Allmetal Recycling, Back Alley Pizza, Conrade Insurance, First Baptist Church, Harvey County Habitat for Humanity, KFC and The Newton Kansan.

COUNTY

From Page A1

to the property. The term "substantial addition or improvement to the property" means the construction of any new structures or improvements on the property or the renovation of any existing structures or improvements on the property.

The legislation does not include maintenance or repair or any existing structures, equipment or improvements on the property or reconstruction or replacement of any existing equipment or components of any existing structures or improvements on the property.

Clough said problems come in the case of major remodels that do not increase the footprint of the property following a value reduction after an appeal.

"The value doesn't grow with the market value," Clough said.

Welcome said with the issue affecting all counties, they are trying to get additional counties to come on board. Johnson

County has agreed to foot the entire cost of the work done in the process of putting together a mandamus action, where the Property Valuation Division director would join them for a legal brief. The action would initially be in Shawnee County District Court in Topeka, where the PVD resides. There would be no trial.

He said the mandamus would also avoid raising the issue in a particular tax appeal with a particular taxpayer, preventing notion of harassment or bias against a particular taxpayer, tax agent or attorney.

They would attempt to get a published opinion from a judge.

"Then we find out which one prevails," Welcome said. "Which of these statutes and directives am I suppose to follow? Do we reassess every year or am I supposed to hold values for a sub-class of citizens getting a tax advantage?"

Welcome said while his preference would be to do away with the two-year value stagnation, the simple clarification would be a step in the right direction.

WALTON

From Page A1

chop and hot dog lunch to raise funds for Walton's elementary school.

"We are trying to increase kids activities and get more families involved," Esau said.

Admission to the festival is free. Fees are charged to craft booth vendors, car show exhibitors and for meals.

Event schedule

7 to 9 a.m. — Pancake breakfast, Walton Fire Station.

10 to 10:15 a.m. — Parade of decorated bicycles, tricycles and wagons starting at Walton City Park.

10:15 a.m. — National Anthem and Flag Salute at First and Main.

10:15 a.m. — Car show and craft show open.

10:30 a.m. to noon — Pedal Pull, ages 4 to 12. Main Street.

11 a.m. to 2 p.m. — Pork Chop/Hot Dog lunch, Fire Station.

11 a.m. to 2 p.m. — Barrel Train rides, First and Main.

1 p.m. — Walton State Bank money scramble for ages 2 to 10.

1 p.m. — Schwan's Ice Cream, Main Street.

2:30 p.m. — Car show awards announcements,

His views spark intense reactions

arning to her sister. st 10 or 15. We went eka once to see him they was protesting e. We was in Over- ark when that Sheriff rpaio) was there and ad a bomb threat. s in the second row. id, 'I'm going to give h, that's what I came or.' I looked at my

laws. What the women like most, they say, is that Kobach keeps his promises.

Kobach enjoys intensely loyal support from conservative voters who flock to see him at grassroots events and tune in weekly to hear him on the radio. This August night in Lansing, he has drawn about 70 people, three times as many as the

prosecuting alleged cases of voter fraud starting in October.

During the most recent elections, he was able to produce twice the number of volunteers to go door to door for the party as Gov. Sam Brownback or U.S. Sen. Pat Roberts could, said Clay Barker, the executive director of the Kansas