

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, JULY 20, 2016

4:00 p.m.

- Consider approval of the minutes for May 11, 2016.

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
 - (b) Consider accessing NJPA contract to purchase equipment for Public Works (Jackie Waggoner);
 - (c) Adopt regional committee report on annual review of Solid Waste Management Plan (Keith Browning); and
 - (d) Consider approval of right-of-way easement for ingress and egress and consent of tenant (Craig Weinaug)

REGULAR AGENDA

- (2) Work Session on the Crisis Center
- (3) (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments
 - Board of Construction Codes Appeals (1) position 12/15
 - Community Corrections Board (2) positions 01/16 and 05/16
 - (c) Public Comment
 - (d) Miscellaneous
- (4) Adjourn

TUESDAY, JULY 19, 2016

-8:15 a.m. Budget Work Session

WEDNESDAY, JULY 20, 2016

-8:15 a.m. Budget Work Session (if needed)

-4:00 p.m. Crisis Intervention Center Work Session

WEDNESDAY, JULY 27, 2016

WEDNESDAY, AUGUST 3, 2016

WEDNESDAY, AUGUST 10, 2016

WEDNESDAY, AUGUST 17, 2016

WEDNESDAY, AUGUST 24, 2016

WEDNESDAY, AUGUST 31, 2016

WEDNESDAY, SEPTEMBER 7, 2016

WEDNESDAY, SEPTEMBER 14, 2016 - 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.

May 11, 2016

Flory called the regular meeting to order at 4:00 p.m. on Wednesday, May 11, 2016 with all members present.

CONSENT AGENDA 05-11-16

Flory moved approval of the following Consent Agenda:

- ▶ Commission Order No. 16-019 (on file in the office the County Clerk);
- ▶ Resolution 16-12 consolidating Fire District No. 3, Douglas County, Kansas and Fire District No. 5, Douglas County, Kansas and creating the Fire District No. 3 consolidated; providing for dissolution and disorganization of the Fire Districts consolidated herein; and fixing the amount of tax to be levied by the governing body of the consolidated fire district; and repealing all other county resolutions or portions of county resolution in conflict with this resolution;
- ▶ Resolution 16 Approve the Juvenile Justice Continuation Grant for the first half of SFY 2017 July 1 through December 31st, and the Conditions of Grant Agreement between Douglas County Kansas and Kansas Department of Corrections-Juvenile Services; the 7th Judicial District's Prevention allocation is \$18,599.50 and the graduated sanctions allocation is \$230,972.11;
- ▶ Resolutions 16-13 waiving GAAP procedures (for 2015) by the Board of County Commissioners of Douglas County; and Resolution 16-14 waiving GAAP procedures (for 2016) by the Board of County Commissioners of Douglas County;
- ▶ Replacement of current electronic poll books with tablets in the amount of \$97,625.00 paid Knowink from the Election Equipment Reserve Fund.
- ▶ Notice to the Township Board for Clinton Township for a Cereal Malt Beverage license for an event at Clinton Marina Parking Lot Special Event on June 18, 2016 at 1328 E 800 Road.

Motion was seconded by Gaughan and carried 3-0.

HERITAGE GRANT PROGRAM 05-11-16

The Board considered approval of the grant recommendations for the 2016 Natural and Cultural Heritage Grant Program. Shelly Higgins-Clark, Committee Chair, presented the item.

Clark stated the budget this year was \$245,000. There were 11 applicants and the Committee is recommending dispensing \$243,733 as follows:

Major Grants:

- **No major grant project was recommended.**

Target Grants:

- **Lecompton Historical Society** for Environmental Condition Improvements to the Territorial capital Museum to Ensure Artifact Longevity
Requested \$26,728; Recommended \$26,728, subject to condition that the type of window filer purchased will be ultra violet protector roller shades; *Board approved \$26,728*
- **Douglas County Sustainability Office** for The Delaware Tribe Agricultural Heritage Planning Project
Requested \$67,775; Recommended \$67,775; Board approved \$67,775
- **Clinton Lake Historical Society, Inc.** for Wakarusa River Valley Heritage Museum – Master Plan & Meeting Hall Feasibility Study
Requested \$8,000; Recommended \$4,000. The HCC recommends funding \$4,000 for the development of the Master Site Plan only. Board approved \$8,000 (*includes an addition \$4,000 from leftover Heritage funds)
- **Douglas County Historical Society** for Civil Rights Interactive Exhibit Kiosk
Requested \$5,000; Recommended \$5,000; Board approved \$5,000
- **Douglas County Conservation District** for Douglas County Water Festival
Requested \$8,000; Recommended \$8,000; Board approved \$8,000
- **Friends of the Kaw** for Cleanup, Restore, and Fish the Kaw in Douglas County
Requested \$13,231.25; Recommended \$13,230; Board approved \$13,230
- **Eudora Historical Society** for 720 Main Street Second Story Access Addition
Requested \$89,000; Recommended \$89,000, subject to the condition that the project be put to bid at least three qualified contractors, with preference given to contractors located in Douglas County; Board approved \$89,000
- **Tony Krsnich-Flint Hills Investment Group, LLC/Tom Larkin** for Turnhalle Phase 2
Requested \$121,550; Recommended \$30,000, The HCC recommends that the 2016 HCC funding be used to procure architectural and engineering services required to produce design development documents for the occupancies and uses described in the grant application; Board approved \$30,000

Gaughan moved to approve the following fund recommendations for the 2016 Natural and Cultural Heritage Grant Program; plus an additional \$4,000 from leftover Heritage funds for the Clinton Lake Historical Society. Motion was seconded by Thellman and carried 3-0.

PLANNING 05-11-16

The Board considered **CUP-16-00035**, the renewal of a Conditional Use Permit for Stony Point Hall, a reception and banquet hall, on approximately 13.98 acres, located at 1514 N 600 Road, Baldwin City. The application was submitted by Russell and Lucretia Carlson, property owners of record. Mary Miller, Lawrence-Douglas County Metropolitan Planning Staff, presented the item.

Staff recommends approval of Conditional Use Permit for Stony Point Hall, a Recreation Facility use based upon the following findings of facts:

- I. **Zoning and uses of property nearby.** Surrounding land uses are predominantly agricultural, woodland/open space, and rural residential. The reception hall has been in existence since 2007 and is compatible with the surrounding land uses.
- II. **Character of the area.** The area has access to the major transportation network with the subject property taking access to N 600 Road, an east/west Principal Arterial, which connects with 2 north/south Principal Arterials to the west and east. The area has a varied topography with woodlands corresponding with the steep terrain. Agriculture, woodlands, and rural residences are predominate land uses in the area. The design and location of the facility are compatible with the rural character of the area.
- III. **Suitability of subject property for the uses to which it has been restricted.** The property is suitable for agricultural uses which are permitted within the A (Agricultural) District. The property is also well suited for the existing reception hall, a Recreation Facility use.
- IV. **Length of time subject property has remained vacant as zoned.** The property is not vacant at this time but is developed with a rural residence, outbuildings, and the reception hall. The reception facility began operation in 2007.
- V. **Extent to which removal of restrictions will detrimentally affect nearby property.** The facility has been in operation since 2007 without detrimental impacts to nearby properties. Approval of the CUP will extend the use but will not change the intensity of the use. The approval of the CUP to allow the continuation of the current reception hall should not result in any detrimental impacts.
- VI. **Relative gain to the public health, safety and welfare by the destruction of the value of the petitioner's property as compared**

to the hardship imposed upon the individual landowners. In staff's opinion, there would be no gain to the public health, safety, and welfare by the denial of the request. Approval of the request would allow the continued use of the Stony Point Reception Hall which offers many city residents a rural Douglas County experience.

VII. Conformance with the comprehensive Plan. The reception hall is in compliance with Policy 2.7(d) of the Comprehensive plan that recommends the encouragement of agritourism uses.

And with the following condition:

1. The Conditional Use Shalala be administratively reviewed every five years.

Miller stated the one proposed change for this CUP renewal is the removal of the 10 year expiration time frame. An expiration date is a useful tool for managing Conditional Uses in developing areas where it is anticipated that the character of the area may change to the degree that the use is no longer compatible with the nearby land uses. In this case, the reception hall use is compatible with the existing development and should be compatible with the area as it further develops.

Gaughan commented he would like to see a list of all CUPs with their renewal dates.

Flory opened the item for public comment. No comment was received.

Flory moved to approval of CUP-16-00035 to renew a Conditional Use Permit for Stony Point Hall, 1514 N 600 Road, a Recreation Facility use subject to the following condition:

- (1) The Conditional use Permit shall be administratively reviewed every 5 years.

Motion was seconded by Thellman and carried 3-0.

PLANNING 05-11-16

The Board considered the renewal of Pine Family Tree Nursery, **CUP-16-00070**, a 30.5 acre Conditional Use Permit for Pine Family Tree Nursery, Landscape Center, *Retail Nursery*, located at 1782 E 1500 Road. The application was submitted by Landplan Engineering PA, for Pine Family Investments LC, and Sue A Pine, Trustee property owners of record. Sandra Day, Lawrence-Douglas County Metropolitan Planning Staff presented the item.

This CUP was approved in 2003 to accommodate retail sales associated with an existing commercial agricultural operation. The CUP allows for a maximum of 3,500 square foot of enclosed space for retail sales and unlimited exterior

sales. At that time, the application did not include any enclosed sales space within the boundary of the CUP. The CUP has expired.

Staff recommended approval of the Conditional Use Permit for a Retail Nursery based upon the following findings:

- I. **Zoning and uses of property nearby.** The current zoning is A (Agricultural District and B-2 (General Business) District. Agriculture is the predominant use of the immediate area.
- II. **Character of the area.** The character of the area is agricultural with only limited commercial activity associated with the nursery operation and uses located along the highway.
- III. **Suitability of subject property for the uses to which it has been restricted.** Approval of this request would not alter the base zoning district. The property will continue to be suitable for agricultural activities and uses. Approval of the request allows for ancillary uses of the property related to the primary agricultural operation.
- IV. **Length of time subject property has remained vacant as zoned.** The property is not currently vacant, but includes agricultural buildings that support the use of the property for the related landscape material sales business and landscaping business located to the east.
- V. **Extent to which removal of restrictions will detrimentally affect nearby property.** The activity area is located in the central portion of the site. Continued agricultural operations surround the property. No detrimental effects are anticipated by the continued operation of this use and the renewal of the Conditional Use Permit.
- VI. **Relative gain to the public health, safety and welfare by the destruction of value of the petitioner's property as compared to the hardship imposed upon the individual landowners.** There is no harm to the public health, safety or welfare by the continued operation of the existing business. Approval permits a local business to continue to serve residents and businesses in the community.
- VII. **Conformance with the comprehensive plan.** The proposed request is consistent with the policies and land use recommendations included in Horizon 2020 for continued agricultural use.
- VIII. **Professional staff recommendation.** This use has operated without incident since being approved in early 2004. Approval of the request facilitates the continued operation of the local business. Staff recommends approval of the Conditional Use Permit. Staff does not recommend the addition of a time limit on the Conditional Use Permit. Changes to the site

to add additional covered storage may be amended by a future site plan approved administratively. Changes to add retail sales on this site should be amended by a revised site plan approved by the County commission with notice to surrounding property owners. This will accommodate changes in business practices over time with adequate review to assure that minimum building setbacks are met, and to identify any other applicable building codes or zoning codes that may be present at the time.

and, subject to the following condition:

- 1) Provision of a revised site plan to include the following notes:
 - a) "Changes to the site to add additional covered storage may be amended by a future site plan approved administratively. Change to add retail on this site should be amended by a revised site plan approved by the County Commission with notice surrounding property owner.

Flory opened the item for public comment. No comment was received.

Flory moved to approve CUP-16-00070, a Conditional use Permit for Pine Family Tree Nursery, Landscape Center, Retail Nursery; with the added note there will be no expiration date on the CUP but added a five-year administrative review. Motion was seconded by Gaughan and carried 3-0.

ACCOUNTS PAYABLE 05-11-16

Flory moved to approve accounts payable in the amounts of \$3,273,092.17 paid on 05/05/16; and \$452,579.90 to be paid on 05/12/16. Motion was seconded by Thellman carried 3-0.

APPOINTMENT 05-11-16

Thellman moved the following reappointments to the Douglas County Heritage Conservation Council for a three-year term to expire 05/31/19: Shelly Hickman Clark and Julia Manglitz. Motion was seconded by Flory and carried 3-0.

APPOINTMENT 05-11-16

Gaughan moved the following appointments to the Lawrence Douglas County Metropolitan Planning Commission for a three-year term to expire 05/31/19: Lynn Harrod (replacing Jim Denny); and Karen Willey (replacing Bruce Liese). Motion was seconded by Thellman and carried 3-0.

RECESS

At 4:40 p.m., the Board recessed until the 6:00 p.m. meeting.

RECONVENE

The Board returned to regular session at 6:00 p.m.

PLANNING 05-11-16

The Board considered a request to rezone approximately 77.5 acres from County A (Agricultural) District and VC (Valley Channel) District to County I-3 (Heavy Industrial) District for King's Recycle Center: **Z-16-00067**. The property is located at N 1300 and E 1750 Roads. The application was submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King and Patricia King, property owners of record. Mary Miller, Lawrence-Douglas County Metropolitan Planning Staff, presented the item.

The property is adjacent to the nearly completed South Lawrence Trafficway bypass and at the intersection of N1300 and E1750 Roads, also located near the recently approved soccer facility. When looking at zoning requests, planning staff looks at criteria in the development code, also called the golden factors, and also reviews the zoning and land use in area to determine if propose use compatible. The surrounding area includes two small areas of General Public and Institutional Use (GPI) owned by the City, sanitary sewer pump station,

Staff recommends denial of the rezoning request for approximately 77.5 acres County A (Agricultural) District to County I-3 (Heavy Industrial) District based upon the following findings of fact:

1. **Conformance with the Comprehensive Plan.** The subject property is not shown on the map of potential locations for future Industrial and Employment Related Land Uses; therefore the location was reviewed with the general and specific criteria included in the Industrial Chapter, Chapter 7, of the Comprehensive Plan. The property is substantially compliant with the general locational criteria in this chapter; however, is not substantially compliant with the specific locational criteria. The property is not compliant with the criteria that the proposed industrial use be compatible with existing and future zoning/land use patterns, including the use of appropriate buffers between land uses. The proposed construction material recycling facility would not be an appropriate use for a gateway area based on possible negative impacts to neighboring properties and the aesthetics of the site. The proposed rezoning is not in conformance with the Comprehensive Plan as it is not substantially compliant with the specific criteria provided in the plan or with the recommendations for gateway development.
2. **Zoning and use of nearby property, including any overlay zoning.** The surrounding properties are zoned A (Agricultural) or V-C (Valley Channel) and F-F (Floodway Fringe Overlay) Districts. Agriculture is the predominate land use with several recreational uses in the planning stages in the area (soccer facility to the east and City park to the north). Scattered residential uses are also located in the area. Heavy industrial uses would be incompatible with the approved recreational uses in the nearby area.

3. **Character of the neighborhood.** This rural area is characterized by the SLT/K10 Highway Corridor, open space/recreation uses, agriculture, and rural residences and to a lesser degree the Wakarusa River corridor to the south and industrial uses to the north along the existing K10 Highway and E 25th Street. Industrial uses had been located in the area in the past; however, in staff's opinion, heavy industrial zoning and uses would not be compatible with the character of the area in the location proposed but would be more appropriate located to the north with the existing industrial uses.
4. **Plans for the area neighborhood, as reflected in adopted area and/or sector plans including the property or adjoining property.** A portion of the subject property is located within the limits of the Southeast Area Plan; however, no recommendations were provided for the future use of the property. The plan recommends very low density residential uses to the west of the subject property and recommends open space and low density residential to the north; both across the SLT/K10 Highway right-of-way. In staff's opinion, heavy industrial uses and zoning, particularly an unenclosed use such as proposed, would not be appropriate in close proximity to the planned low density residential and open space uses.
5. **Suitability of subject property for the uses to which it has been restricted under the existing zoning regulations.** The property is well suited for the uses to which it is restricted with the A and V-C Zoning. The topography of the property would be suitable for the recycling use; however, in staff's opinion, the recycling use would not be compatible with the adjacent land uses: SLT/K-10 Highway and open space/ recreational uses.
6. **Length of time subject property has remained vacant as zoned.** The property is not vacant. The Douglas County Appraiser's records indicate that the residence on the property was built in 1920. A temporary borrow pit was approved for the site to accommodate the construction of the SLT/K-10 Highway.
7. **Extent to which removal of restrictions will detrimentally affect nearby properties.** The rezoning to the I-3 District will permit heavy industrial uses on the subject property. This may have detrimental impacts to nearby properties by a reduction in groundwater level, unless water usage is limited; noise impacts to nearby recreational and open space uses, and a negative visual impact along the trafficway.
8. **The gain, if any, to the public health, safety and welfare due to the denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.** Approval of the rezoning request would provide a recycling facility for construction of clean rubble which would benefit the public welfare by keeping these materials out of the landfill and extending the life of the landfill and reducing the need for new materials. The denial of the rezoning request would benefit the nearby properties by preventing the

negative impacts from the noise, truck traffic, and dust associated with the recycling facility and would prevent the negative visual impacts the facility would have on the Trafficway area. The denial of the rezoning request would create some hardship for the applicant as they would need a new location for the recycling facility but they could continue with the CUP application for the Mining and Excavation to continue the use of the borrow pits and could develop the property with a use that is more compatible with the existing and approved uses in the area.

PROFESSIONAL STAFF RECOMMENDATION:

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. This report finds that the rezoning request is not substantially compliant with criteria for industrial development provide in Chapter 7 of Horizon 2020. The request is also not compatible with the character of the area, the land use recommendations in the Southeast Area Plan for nearby properties, or with existing and planned uses in the area. In addition, the rezoning request may have negative impacts on nearby properties. A more appropriate location for the heavy industrial use is located in the north portion of this area, along the existing K10 Highway and E 25th Street. Based on these factors, staff is unable to recommend approval of the rezoning request and recommends that the Planning Commission forward the rezoning request to the Board of County Commissioners with a recommendation for denial.

The borrow pit was approved with the SLT but the temporary business use permit will expire shortly. On the zoning, the Planning Commission voted 7-1 to forward the item to the County Commission recommending a denial and deferred action on the preliminary plat. They recommended approval on the continuation of the borrow pit, and deferred action on the residence.

There is also a CUP for the continued use of the Borrow Pit which would be considered a mining and excavating use and then a CUP for the residence if the industrial zoning is approved. The CUP site plan includes a recycling facility. There would be a five-year review and with an expiration in 10 years.

Thellman asked what the terms are for the original borrow with KDOT with specific use on the SLT. Miller responded it was setup as a temporary business permit use just for the purpose of building the SLT. Thellman asked if this is a personal choice of the landowners to continue the borrow pit. Miller confirmed that is correct.

Thellman asked how many acres have been borrowed. C.L. Maurer, Landplan Engineering representing the applicant, replied of the 77 acres, about 50 acres have been disturbed. The property around the house and

barns has not been touched. The land that has been borrowed from will become a pond.

Maurer stated I-3 zoning is what's used for recycling centers. This same process was done in 1998 with a recycling center and borrow owned by Steven Glass located next to the City of Lawrence. The applicant withdrew the zoning request for an I-3 and came back instead with a CUP request which was approved by the County Commission at the time and was reviewed every five years. KDOT purchased the property in 2008. According to the County Commission minutes, the CUP was to be active until 202, but Mr. Glass sold the property to KDOT which terminated the CUP. Maurer feels the CUP set a precedent.

Flory said his concern in not having a way to limit the I-3 from heavy industrial coming in to that location at a later date. Once I-3 zoning is approved a new buyer can come in.

Flory asked Miller if there is something in the code that prohibits using CUP for recycling. Miller replied the code does not prohibit it but it does list it as permissible under a CUP. In 1998 the Planning office determined a recycling facility was similar to something which Miller believes was mining and excavation. Miller said she sees this as one of the more intense uses allowed in an I-3 zoning.

Flory says it seems the rock crushing would be the pivotal issue and doesn't see why it wouldn't be similar enough to a quarry that it could be considered for a CUP. Miller said the County Commission could make that determination.

Thellman said part of the Board's decision, regardless of the CUP or rezoning, is determining whether this is a use we want to allow in an area that is increasingly important in terms of its development capacity and the neighborhood characteristic. The athletic fields are a tremendous investment.

Maurer stated the VC and the open space cannot be developed because it's all in the floodplain and the SLT is a ribbon. Thellman said it is an unfortunate area to have such heavy use. Maurer said the noise of the SLT will be greater than the occasional rock crusher use.

Flory said this is a classic example of competing interests. Recycling clean construction materials rather than fill up our landfills is a plus.

Thellman commented that using Hamm's landfill capacity as an argument to create new landfills is not a good argument to make anymore. Serving on the County's Solid Waste Management Board, Thellman says she has learned that because of the success of community recycling efforts, Hamm's landfill now has a life expectancy of 90 years or more so there is not an urgency to divert waste to other landfills now. In fact, Thellman said

that Hamm's states they need clean construction waste in order to proceed with their section-by-section reclamation plan.

Gaughan said the overwhelming sense he has is we have a merging area in this part of the county of open space. We know there will be a new road going through. But with the soccer fields and the nature preserve, he struggles with I-3 being a compatible neighbor.

Flory opened the item for public comment. No comment was received.

Gaughan moved to deny rezoning request Z-16-000067 from A (Agriculture) to I-3 (Heavy Industrial) zoning located at N1300 Road and E1750 Road based upon the findings of fact noted. Motion was seconded by Thellman and carried 3-0.

PLANNING 05-11-16

The Commission considered a Conditional Use Permit (CUP) for King's Recycling Center, located at N 1300 Rd & E 1750 Rd. The CUP proposes the operation of a borrow pit and recycling of construction materials, as well as continued residential and agricultural uses on the property. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King and Patricia King, property owners of record. Mary Miller, Lawrence-Douglas County Metropolitan Planning Staff, presented the item.

The Commission continued discussion on whether the recycling center could be considered under a CUP. Flory asked what would need to be done to consider a recycling facility under a CUP in an Ag zoned property. He would like to have the Planning Commission look at that angle. Miller stated you could encourage the applicant to submit an application for a CUP.

Sean Reid, Director of Zoning and Codes, stated there is a reason for concern with allowing I-3 zoning in that location because in the future any I-3 application could be there. It is not on the list of permitted uses. In his experience, typically the governing body would be rejecting request.

Thellman asked if the recycling center would be heavy industrial use. Reid replied it would be similar to mining or a quarrying operation. He has not seen one in the past that operated sporadically so he can't offer examples.

Maurer argued the applicant has a similar facility in Oskaloosa next to a high school and the crusher runs at 90 decibels. It only runs when they have enough material to recycle.

Flory asked where on the 77 acres the crusher would be located. Maurer stated it is planned to be on the far east part of the property, with a five-foot high berm, but it can be relocated anywhere on the site. The piles of

storage would be no higher than 15 feet. Materials recycled would include: rock, cement, cinderblock, brick and asphalt.

Thellman stated she has concerns the crusher will create a lot of dust.

Gaughan said he is less concerned about the view from the highway and more concerned about dust on the soccer fields. Maurer responded they crushed rock and asphalt on Lawrence High School directly across from a single family residence and there was no dust.

Flory asked if this Commission were to decide this recycling center was close enough in relation to mining and a CUP were an appropriate mechanism, would your client be inclined to seek a CUP by filing an application with the Planning Commission. Maurer said that is what they originally came for but was sent down another path.

Flory suggested sending the item back to the Planning Commission to study, analyze and review conditions to see if this fits a CUP.

Gaughan responded we have heard from staff, which considers this as heavy industrial use. Maurer said he is having a hard time with this determination. He feels staff is comparing this process to a concrete/asphalt plant which this is not.

Flory opened the item for public comment. No comment was received.

After further discussion, Flory moved to send the item back to planning commission for consideration as to whether any combination of conditions would be appropriate for approval of a recycling center for clean construction materials in conjunction with the borrow pit that they have already considered. Motion died for lack of a second.

Flory moved to approve CUP-16-000069, a Conditional Use Permit for King's Recycling Center located at N 1300 Road and E 1750 Road for the operation of a borrow pit and recycling of construction materials, as well as continued residential and agricultural uses on the property with conditions as listed below as recommended by staff:

1. Staff recommends approval of the Conditional Use Permit for the Borrow Pit.
- ~~2. Staff recommends approval of the Conditional Use Permit for the residence within an Industrial Zoning District, if the I-3 Zoning request is approved.~~
3. Staff recommends denial of the site plan for the recycling facility unless the I-3 Zoning request is approved. ~~If the I-3 Zoning request is approved, staff would recommend approval of the site plan.~~

These recommendations are subject to the following conditions:

1. The Conditional Use Permit shall be administratively reviewed every 5 years. The Conditional Use Approval for the borrow pit use shall expire 10 years from the date of the Board of County Commissioner's approval.
2. Commercial truck traffic to the facility is limited to the following roads:

E 1750 Road/Noria Road; N 1400 Road (Old K-10 Highway); E 1700 Road; K-10 Highway east or west.
3. Only clean construction rubble shall be stockpiled or processed on the site.
4. Well water usage is limited to the office and employees until the property is serviced by a Rural Water District.
5. The borrow pit shall be excavated no deeper than Elev. 800 Ft. (NAVD).
6. Provision of a revised CUP plan with the following changes to the landscaping, per
Planning approval:
 - a. Provide a mix of evergreen and deciduous trees for screening landscaping along N 1300 Road.
 - b. Revise the landscaping shown along E 1750 Road to include evergreen trees west of the street trees that are shown and to extend the landscaping to the north property line.
 - c. Label the species of the trees along E 1750 Road to match those listed on the Master Street Tree Plan, when approved.
 - d. List Conditions No. 1-5 on the plan.

Motion was seconded by Gaughan and carried 3-0.

Flory moved to adjourn the meeting. Motion was seconded by Thellman and carried 3-0.

James E. Flory, Chair

Mike Gaughan, Vice-Chair

ATTEST:

Jamie Shew, County Clerk

Nancy Thellman, Member



DOUGLAS COUNTY ADMINISTRATIVE SERVICES

Division of Purchasing

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

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

FROM: Jackie Waggoner, Purchasing Director
Division of Purchasing

SUBJECT: Consider Accessing NJPA Contract to purchase Equipment for Public Works

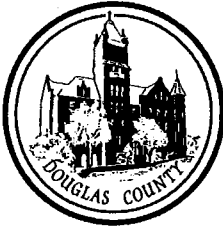
DATE: July 14, 2016

Public Works has funds allocated in Equipment Reserve to replace their existing 2008 Bobcat compact track loader with 2152 hours. This equipment will be sold through the online auction.

The equipment is assigned to Public Works park crew and would be used throughout the year for various maintenance activities. Both the existing and proposed equipment includes a forestry package with mulching head attachments. The forestry package provides additional safety features such as heavier glass, Roll Over Protection (ROP), and brush guards over lights and radiator. The mulching head is used to remove trees and brush within the right-of-way and county maintained parks. Over the past couple of years their existing equipment has experienced multiple mechanical issues, and is currently in need of numerous repairs.

Staff has been researching the replacement compact track loader and had demonstrated a Caterpillar, John Deere, and Bobcat over the last two months and feels the Caterpillar 299 D2XHP best met their needs and provided the best value. This equipment is available by accessing the NJPA (National Joint Powers Alliance) cooperative contract with Foley Equipment at a total cost of \$110,019.34. This amount includes adding the extended warranty staff is interested in for 5years/2500 hours.

RECOMMENDATION: The Board of County Commissioners authorizes staff to access the NJPA contract with Foley Equipment to purchase a 2016 Caterpillar compact track loader for a total cost of \$110,019.34.



DOUGLAS COUNTY PUBLIC WORKS

3755 E. 25th Street
Lawrence, KS 66046
(785) 832-5293 Fax (785) 842-1201
dgcopubw@douglascountyks.org
www.douglascountyks.org

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

MEMORANDUM

To : Board of County Commissioners

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

Date : July 14, 2016

Re : Consent Agenda Adoption of Annual Review of Solid Waste Management Plan

State statutes require the development of Solid Waste Management (SWM) plans for all counties, and also allow counties to form regions to develop the SWM plans. Jefferson and Douglas County form a 2-county region for formulation of the SWM Plan. The original SWM Plan is dated December 1996. The 2-county region's consultant, Franklin Associates, prepared the plan. K.S.A. 65-3405 requires the plan to be reviewed annually and updated every five years. We conducted a 5-year update in 2014 (submitted in 2015), which was approved by KDHE.

The Douglas/Jefferson Counties Regional SWM Committee met on April 21, 2016 to conduct the annual review of the SWM Plan. K.S.A. 65-3405 requires the BOCC of each county within the SWM region to review and adopt the regional committee's report of the annual review.

Attached is a copy of this year's report of the annual review of the SWM Plan. Eight members of the eleven-member SWM Committee met for this year's annual review. The eight members included representatives from the DGCO Board of County Commissioners, City of Lawrence Public Works-Solid Waste Division, Lawrence-Douglas County Health Department, Lecompton City Council, Jefferson County Public Works Department, KU Environmental Health & Safety Department, Hamm Landfill, and Douglas County Public Works.

Also attached is an updated list of SWM Committee members. You will note Rachel Myslivy resigned from the committee. The BoCC should name a replacement committee member in the near future to represent unincorporated areas.

Action Required: Consent Agenda adoption of the report of the 2016 annual review of the Douglas/Jefferson Counties Regional Solid Waste Management Plan.

Douglas/Jefferson Counties Solid Waste Planning Region
Solid Waste Management Committee
Current Membership
July 14, 2016

1. Lynn Luck
P.O. Box 82
Oskaloosa, KS 66066

Telephone: 785-863-2637
Email: mlluck23@yahoo.com
Entity represented: Jefferson County Board of County Commissioners
2. Nancy Thellman
1547 N 2000 Rd
Lawrence, KS 66044

Telephone: 785-550-7754
Email: nthellman@douglas-county.com
Entity represented: Douglas County Board of County Commissioners
3. Jon Rossillon
KU-EHS Department
2330 Crowell Drive
Lawrence, KS 66047

Telephone: 785-864-2854
Email: jrossillon@ku.edu
Entity represented: KU Environment, Health & Safety
4. Kathy Richardson
P.O. Box 708
Lawrence, KS 66044

Telephone: 785-832-3032
Email: krichardson@lawrenceks.org
Entity represented: City of Lawrence Public Works, Solid Waste Division
- ~~5. Rachel Myslivy - VACANT~~
~~16836 13th Street~~
~~Lawrence, KS 66044~~

~~Telephone: 785-764-2055~~
~~Email: MysRachel@gmail.com~~
~~Entity represented: unincorporated areas~~

DGCO/JFCO SWM Committee Members

6. Andrew Stull
Lawrence/Douglas County Health Dept.
200 Maine, Suite B
Lawrence, KS 66044

Telephone: 785-843-3060
Email: astull@ldchealth.org
Entity represented: Lawrence/Douglas County Health Dept.
7. Mary Jane Hoffer
Lecompton City Hall
333 Elmore
Lecompton, KS 66050

Telephone: 785-887-6395
Email: mjhoffer9@gmail.com
Entity represented: Lecompton City Council
8. Bill Noll
Jefferson County Road Department
P.O. Box 628
Oskaloosa, KS 66066

Telephone: (785) 863-2211
Email: bnoll@jfcountryks.com
Entity represented: Jefferson County Public Works
9. Sam Henderson
P.O. Box 628
Oskaloosa, KS 66066

Telephone: 785-863-2241
Email: shenderson@jfcountryks.com
Entity represented: Jefferson County Zoning
10. Charlie Sedlock
P.O. Box 17
Perry, KS 66073

Telephone: 785-597-5111
Email: csedlock@nrhamm.com
Entity represented: Hamm Landfill
11. Keith Browning
Douglas County Public Works
3755 E. 25th St.
Lawrence, KS 66046

Telephone: 785-832-5293
Email: kbrowning@douglascountyks.org
Entity represented: Douglas County Public Works

**2016 ANNUAL REVIEW REPORT
DOUGLAS/JEFFERSON COUNTIES
REGIONAL SOLID WASTE MANAGEMENT PLAN**

The Douglas/Jefferson Counties Regional Solid Waste Management Committee met on April 21, 2016 for the annual review of the SWM Plan as required by K.S.A. 65-3405(c). The meeting was held at the City of Lawrence's Solid Waste Annex North (SWAN) building. The following eight (8) members of the eleven-person committee attended the annual review:

<u>Member Name</u>	<u>Agency/Entity Represented</u>
Nancy Thellman	Douglas County BoCC
Jon Rossillon	KU Environment, Health and Safety Dept.
Kathy Richardson	Lawrence Public Works, Solid Waste Div.
Andrew Stull	Lawrence/Douglas County Health Dept.
Mary Jane Hoffer	Lecompton City Council
Bill Noll	Jefferson County Public Works
Charlie Sedlock	Hamm Landfill
Keith Browning	Douglas County Public Works

The main goal of the annual review is to identify any changes to the region's solid waste management system since the approval of most recent five-year update. The most recent five-year update was completed in 2015.

The committee identified the following changes to the region's SWM system or general SWM activities since last year's review:

1. City of Lawrence

City of Lawrence Solid Waste Division

The Solid Waste Division represents an enterprise fund, or utility, created for the purpose of managing solid waste for the City of Lawrence. Comprehensive solid waste services are provided for residential, commercial, and industrial customers. Services include collection, disposal, recycling, and technical assistance.

Waste Services

Residential customers

- Solid Waste (trash) collection weekly
- Single-stream recycling collection every-other-week
- Yard waste collection weekly (March - December) Bulky item collection upon request
- Tire collection (5 per household per year)
- Household hazardous waste drop-off by appointment
- Sorted recycling drop-offs (glass, cardboard, etc.) Brush drop-off area (Saturdays, March - December)
- compost and woodchips for sale (Saturdays, March - December)

Commercial / Industrial / Institutional

- Trash dumpster services (front or rear load)
- Roll-off services
- Qualified business hazardous waste drop-off by appointment
- Cardboard collection for recycling

Special events

- Earth Day Parade and Celebration in the park (April)
- Electronic Recycling Events (two per year)
- Holiday Toy Drive (employee-initiated)

The following chart provides a brief comparison for all services combined:

Tons collected	2013	2014	2015
Tons solid waste collected for disposal	61,051	61,556	64,096
Tons single-stream recycling*	n/a	1,227	5,372
Tons (est.) collected for composting and recycling (drop-off and curbside)	12,577	14,187	21,381

*single-stream residential recycling began October 21, 2014

The Solid Waste Division services 30,884 residential accounts (includes both single-family and multi-family residences) and 1,545 commercial accounts.

2015 highlights for the Solid Waste Division included:

- Construction of the new Household Hazardous Waste Facility at 2201 Kresge Road, the new City property purchased for the purpose of re-locating Solid Waste Division operations and the Household Hazardous Waste Facility (note: development of the property will occur in multiple phases over the next few years).



- Awarded \$40,000 in grant funds from the Kansas Department of Health and Environment to purchase supplies for the new Household Hazardous Waste Facility.

Other 2015 highlights for the Solid Waste Division:

- In March, installed new trash and recycling bins for pedestrian use along Massachusetts Street at the intersections of 7th, 8th, 9th, 10th, and 11th Streets.



- Conducted a variety of outreach initiatives from May through August to increase public awareness of waste reduction and recycling tips throughout the “move-out season”. There was increased communication with Lawrence apartment complexes including a pilot project at Meadowbrook Apartments.



- Received the Excellence In Program Operations Award for Solid Waste Management Program: Public Engagement, Automation and Recycling at the 2015 American Public Works Association (APWA) Kansas Chapter Conference in Manhattan, Kansas in May.



Collected 5,317 tons of single-stream recyclable material in first year

- From the start of the new residential single-stream recycling program in October 2014 through September 2015 (first year of collection), the city's Solid Waste Division collected 10,634,000 pounds, equivalent to 5,317 tons, of single-stream recyclable material from single-family and multi-family residences including apartments. Single-stream recyclable material was also collected from public and private schools and city facilities. The recyclable material was dropped off at the Hamm Material Recovery Facility (MRF), a single-stream processing facility that receives, sorts, processes, stores and transports the material as well as provides marketing of the recyclable material.



- To celebrate the one year anniversary of the single-stream recycling program and America Recycles Day, the City of Lawrence in partnership with the University of Kansas hosted a fun, family event on Friday, November 13, 2015 at Sports Pavilion Lawrence. The event included hands on activities, games, and a photo booth with Big Jay.



- Launched "Recycling Tips" video to highlight what is acceptable in the City's single-stream recycling blue cart and what is not (and why). Knowing what items are acceptable to recycle and those that are not is essential to the success of the recycling program.

CURB IT WITH BLUE
Recycling Tips Video



Residential Collection

The number of housing units grew slightly in 2015. Residential growth has a direct impact on our residential services. Thirteen crews pick up residential trash and six crews pick up residential recycling. The trash crews also pick up all rear-load commercial trash dumpsters along their residential routes. These same crews pick up yard waste on Mondays only, March through mid-December.

A look at residential trash cart size at single-family households (percent breakdown by size):



Cart size	Units	% of households
35 gallon	2,389	9.73%
65 gallon	13,564	55.25%
95 gallon	6,835	27.84%

The chart below highlights some of the residential collection activity.

	2013	2014	2015
Bulk items collected	2,597	2,926	3,288
Tires collected	1,671	1,805	1,812

Notes on the services mentioned above: Bulky items, including refrigerators and air conditioners, are collected by appointment. The division is required by Federal law to recover Freon from refrigerators and air conditioners that are collected. Freon was recovered in-house by certified technicians from Maintenance Operations. Tires are collected by appointment at no cost to residents (limit of 5 tires per household per year). Whole tires are not permitted to be disposed in the landfill. The tires were picked up from the Solid Waste facility by private companies and then shredded and monofilled or recycled.

Residential crews also performed alley litter collections on Fridays (or as needed) on a rotating basis among neighborhoods with alleys. Downtown alleys were patrolled for litter as well. Several neighborhood cleanups were performed at the request of and in coordination with neighborhood associations.



Waste reduction and recycling efforts: The chart below highlights some of the waste reduction and recycling programs of the Solid Waste Division.

	2013	2014	2015
Single-stream residential recycling	-	1,227	5,372
Grass, leaves, and brush collected	9,125	9,686	13,236
Avoided disposal costs in \$\$ (yard waste)	238,710	261,909	369,814
Christmas trees collected (tons)	14	11	13
Household haz waste participants served	2,757	2,873	3,188
Business haz waste participants served	114	103	108
Product reuse participants	594	597	618
Metal scrap & freon containing items (tons)	88	46	41
Old Corrugated Cardboard OCC (tons)	1,445	1,530	1,704
Average price per ton generated on OCC	107.85	91.79	71.59
Old Newspapers ONP (tons)	341	260	189
Mixed Paper MIX (tons)	443	371	340
Sorted Office Paper SOP (tons)	26	39	35
Glass (tons)	1,197	1,075	492

Yard waste collection and compost program: The community achieved a 99.8% compliance rate with preferred yard waste container set outs (cans, city trash/yard waste carts and compostable paper bags). Community-wide collection of yard waste on a single day remains challenging for solid waste crews, but the high compliance with preferred container requirements makes the collection process safer and much more efficient, as well as improving the final quality of the compost. Compost and woodchip sale events continue to be very popular and a valuable way of returning this resource to the community. Compost and woodchip material was also made available for purchase on Saturdays (self-load) during public drop-off hours 10 a.m. to 4 p.m.

	2013	2014	2015
Preferred YW container compliance	99.7%	99.9%	99.8%
Vehicle visits during sale events	3,137	956	1,353
Tons of material distributed	1,834	671	2,083

Household hazardous waste (HHW) and business hazardous waste (BHW) programs: The HHW and BHW programs are important components of solid waste services in reducing the potential toxicity of the materials taken to the landfill. The amount of hazardous waste dropped off at the HHW Facility increased by 2.5% compared to the prior year. Participation by households (HHW) increased by 6.7%. There was no increase in participation by businesses (BHW). The majority of the households participating were from Lawrence but 15% were Douglas County residents living outside the Lawrence city limits.

In 2015, a new Household Hazardous Waste Facility was constructed at 2201 Kresge Road, the new City property purchased for the purpose of re-locating Solid Waste Division operations and the Household Hazardous Waste Facility (note: development of the property will occur in multiple phases over the next few years). The new Household Hazardous Waste Facility will open to the public in 2016.

Drop-off recycling program: The Solid Waste Division offers recycling drop-off bins for cardboard, newspaper, mixed paper, and glass with the support of property owners (see locations below). There was a consistent amount of fibers dropped off at these bins even after a year of residential curbside recycling.



	2013	2014	2015
Fiber programs recovery (tons)	2,255	2,200	2,267
Fiber program revenue (\$\$)	\$200,427	\$175,043	\$147,805

CITY OPERATED RECYCLING DROP-OFF SITES					
		newspaper	cardboard	mixed paper	glass
Brandon Woods	1501 Inverness Dr.			X	
Checkers Food Store	2300 Louisiana St.	X	X	X	
Dillon's Food Store	6th & Wakarusa Dr.	X	X	X	X
Hillcrest Shopping Center	9th & Centennial Dr.	X	X	X	X
Hobby Lobby	1801 W. 23 rd St.	X	X	X	
Hy-Vee Food Store	3504 Clinton Pkwy.	X	X	X	X
North Lawrence	740 N. 2 nd St.	X	X		
On The Rocks	1818 Massachusetts St.				X
Westlake Ace Hardware	6th & Kasold Dr.	X			

Special events and public outreach / education: Public outreach and education remained a strong component of the Solid Waste Division activities.

- Electronic Recycling Events (spring / fall): The division continued to host two collection events per year to collect electronic waste.
- Compost and Woodchips Sale Events (spring / fall): There were three sale events for compost and woodchips in 2015 in which the division loaded trucks and trailers. The material was also available for sale every Saturday between March and mid-December (self-load only).
- Earth Day Celebration (April): Staff organized the annual Earth Day Celebration in the Park, in conjunction with a parade.
- America Recycles Day (November): America Recycles Day Event is another opportunity for educating the public and raising awareness for recycling. The event in 2015 included a 1-year anniversary celebration of the city's residential curbside recycling program.



Commercial Collection

Growth in the commercial sector continued. The Division reviews site plans for accessibility, location of refuse containers, and type of service required and makes comments to the Planning Department as necessary.

Maintenance Operations maintains existing containers, prepares new containers for service, and delivers containers to new locations. They also do routine maintenance on collection vehicle packer bodies and other equipment used within the Division.

Roll-off solid waste services are an important part of our commercial service delivery. The chart below highlights roll-off activity:

	2013	2014	2015
Roll-off service calls	6,049	6,399	7,652
Permanent accounts	67%	64%	52%
Revenue from roll-off service	\$1,024,139	\$975,252	\$1,279,058
Tons of solid waste from roll-offs	20,179	19,720	22,856
Compactor units in service	31	31	31

The Division continued the rate audit of downtown businesses. Periodic rate reviews are necessary in the downtown area due to the changing businesses. Also many businesses use shared containers located on city-owned right-of way or parking lots. Those rates are determined by square-footage of the business and type of business.

In addition to trash services, the Division provides corrugated cardboard and office paper collection for recycling for small to medium-sized businesses. In 2015, City facilities and Lawrence schools received single-stream recycling collection service. This program will expand to other businesses in 2016.



2. Jefferson County

(a) Jefferson County continues HHW collections. They have worked with school districts to dispose of hazardous chemicals. KDHE permit limits HHW facility to 2200 pounds per site. Phillips is Jefferson County's HHW contractor.

(b) Sean Ball (private hauler) is providing drop-off containers to city customers in Jefferson County.

(b) Jefferson County continues to allow e-waste drop-offs from 8:00-4:30 each workday. Electronic wastes are taken to Asset Life Cycle in Topeka.

(c) Jefferson County continues to collect tires. They have seen a large increase in illegally dumped tires, and are contemplating holding a tire amnesty day soon. They continue to take tires from the public. They check in citizens who drop off tires, charge them a disposal fee, and issue them a receipt. Current disposal fees charged to the public are \$2.50/passenger car tire, \$5.00/truck or bus tire, and \$7.00/tractor tire. They are working with KDHE for reimbursement of costs for tires collected.

(d) Jefferson County Public Works purchased a large wood chipper that takes up to 18"-diameter logs. They offer free mulch to citizens. They have produced 4,000-5,000 tons of mulch this year.

3. University of Kansas – Environment, Health & Safety

(a) Collected 38 tons of hazardous waste in 2015 in addition to non-hazardous wastes.

(b) KU Recycling has moved to single stream collections that are taken to the Hamm MRF. They estimate diverting 600 tons/year. They also have cardboard dumpsters that are managed separately. Information about KU Recycling can be found at <http://recycle.ku.edu/program-information>.

(c) Fleet maintenance operations and the Motor Pool have been scaled back. They now do only minor maintenance, e.g. oil changes, with larger repair jobs being contracted out. KU is now contracting with Enterprise for vehicles.

(d) KU transit has combined operations with the City of Lawrence, and is no longer fueling transit vehicles on campus. A transit hub is planned to be constructed near the KU Student Recreation Center.

(e) KU's Central District development is ongoing. The project involves demolition of Burge Union and the married residential units.

4. Hamm Landfill

(a) The landfill estimated lifespan is flat or increasing. The landfill experienced similar volumes from the previous year. The landfill remains KDHE-compliant.

(b) The landfill has approximately 10 acres ready for "industrial activity". This area could be used to mulch, burn, landfill Emerald Ash Borer infected trees.

(c) The landfill is constructing a new cell this year.

(d) Hamm is striving for a world class Materials Recycling Facility (MRF). The MRF launched in 2014, and is located just east of the intersection of US-24/40 highway with K-32 highway. The MRF diverted approximately 10,000 tons of waste last year. Major customers include City of Lawrence, City of Emporia, Chase County, University of Kansas, and Emporia State University. The MRF received the SWANA Kansas Facility of the Year award.

(e) Hamm is continuing efforts towards collecting and processing landfill gas. Ten (10) wells have been installed, and they plan to install another approximately 80 wells during 2016.

(f) The trail system in Hamm's tree & savannah landfill cap system was certified by the Wildlife Habitat Council. Hamm received a KDHE permit in September 2011 for the cap system for the landfill. Hamm is developing an approximate 12-acre area, and will eventually develop approximately 500 acres, in savannah, native grasses and trees with wildlife corridors. As part of the cap system, the forestry plan extends approximately 60 years into the future. They envision long range recreation possibilities for the capped landfill areas.

(g) Hamm Landfill is coordinating with Hamm Quarry on reclamation of the quarry. Some clean Construction & Demolition debris has been used in the reclamation.

5. City of Lecompton

(a) Sean Ball provides recycling bins for city residents. In addition, a lot of city residents haul recycling to Lawrence.

- (b) In June 2016, the City will allow residents to put out up to four (4) waste tires for pick up. The city street superintendent will pick up the waste tires and contract for processing.

6. Douglas County

- (a) Douglas County has updated the Debris Management Plan, which covers all of Douglas County including incorporated cities. The updated plan has been approved by FEMA.
- (b) Douglas County has added four (4) recycling locations in the unincorporated areas of the county. The locations are the Prairie Moon Waldorf School in Grant Township, Stull United Methodist Church, the Vinland Fairgrounds, and Wakarusa Valley School. Fifty-six (56) tons of recyclable materials were collected from October 2015 through March 2016. Douglas County contracted with Honey Creek Disposal to provide and service the recycling containers.
- (c) Douglas County is studying food waste composting options.
- (d) Plans are being developed to relocate the entrance to the Hamm Landfill off of US-24/59 highway and improve the geometry of the landfill access road. Douglas County and Jefferson County are partnering on the project. The project documents will include an add-alternate to construct an eastbound left turn lane on the highway to improve safety at the landfill entrance. Hamm and KDOT are also involved in the project. The proposed project would be paid from fees paid by Hamm to a landfill road maintenance fund based on a per-ton fee for waste hauled to the landfill.

SWM Plan status

The committee found that the SWM Plan is still valid. No significant updates to the Plan are required at this time.

**RIGHT-OF-WAY EASEMENT FOR INGRESS AND EGRESS
AND CONSENT OF TENANT**

KNOW ALL MEN BY THESE PRESENTS, that, **Jere M. McElhaney**, hereinafter called Grantor, in consideration of one dollar (\$1.00), and other good and valuable consideration, the sufficiency of which is hereby acknowledged, paid by **Public Wholesale Water Supply District No. 25 and Rural Water District No. 5, Douglas County**, hereinafter called the Grantees, do hereby grant, bargain, sell, transfer and convey to said Grantees, and their successors and assigns, the following easement:

A perpetual easement and right-of-way, together with the full and free right for Grantees, and any successors and assigns and their tenants, servants, agents, employees, visitors and licensees, at all times hereafter, with or without automobile or other vehicle or on foot, for the purpose of ingress and egress to and from the property of Rural Water District No. 5, Douglas County, across the property of the Grantor (as hereinafter defined) all in Douglas County, Kansas.

The Grantor's Property is described as follows:

A parcel of land in the Northeast Quarter of Section 34, Township 14 South, Range 18 East of the 6th Principal Meridian, Douglas County, Kansas, more particularly described as follows: Commencing at the Northwest corner of the Northeast Quarter of said Section 34; thence Easterly 250.00 feet, coincident with the North line of said Quarter to the point of beginning; thence Southerly 115.00 feet, perpendicular to said north line; thence Easterly 36.00 feet, parallel to said North line; thence Northerly 115.00 feet, perpendicular to said North line to a point on said North line; thence Westerly 36.00 feet, coincident with said North line, to the true point of beginning, containing 4,140.00 square feet, more or less.

This Easement, together with all other provisions of these grants, shall constitute covenants running with the land for the benefit of the Grantees, and their successors and assigns. The Grantor covenants that Grantor is the owner of the above-described lands and is empowered to grant the rights contained herein. The Grantor covenants that he will maintain the established access upon the property in good repair and will not take action to bar or prevent the Grantees, or their successors and assigns and their tenants, servants, agents, employees, visitors and licensees, from full use of the easement granted. The Grantees similarly will not take any action that will bar or prevent the Grantor or his agents or tenants from access to its property based upon the rights under this easement.

The Grantor represents to the Grantees that the Grantor's Property is subject to a certain lease agreement with Douglas County Emergency Services, an agency of the Board of County Commissioners of Douglas County, Kansas (hereinafter the "Tenant"). By the signature of its authorized representative hereto, the Tenant hereby consents and agrees to the Grantor's grant of the ingress/egress rights contained in this Easement, and agrees to be bound to its terms in the same manner as the Grantor, for as long as the Tenant shall hold rights in the property. In addition, if the property is ever transferred to the Tenant in any manner, and the lease agreement cancelled, the Tenant agrees to remain subject to this Easement as owner of the Grantor's Property.

IN WITNESS WHEREOF, the said Grantor and Tenant have executed this instrument
this _____ day of _____, 2016.

Jere M. McElhaney, Grantor

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

By: _____
Jim Flory, Chairman

Attest:

Douglas County Clerk

STATE OF KANSAS)
) SS:
COUNTY OF DOUGLAS)

BE IT REMEMBERED, that on this _____ day of _____, 2016, before
me, the undersigned, a notary public in and for the county and state aforesaid, came **Jere M.
McElhaney**, who is personally known to me to be the same person who executed the within
instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the
day and year last above written.

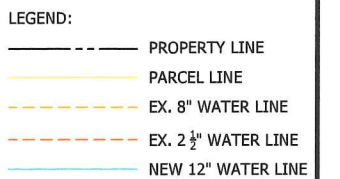
NOTARY PUBLIC

STATE OF KANSAS)
) SS:
COUNTY OF DOUGLAS)

BE IT REMEMBERED, that on this _____ day of _____, 2016, before
me, the undersigned, a notary public in and for the county and state aforesaid, came **Jim Flory,
Chairman of the Board of County Commissioners of Douglas County, Kansas**, who is
personally known to me to be the same person who executed the within instrument of writing
and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the
day and year last above written.

NOTARY PUBLIC



PIN NO.
023-158-34-0-00-00-002.01-0
PLATE NO.
600414B

LEGAL DESCRIPTION

0.6A 34-14-18 COM AT NW
COR NE1/4 SD SEC TH ELY 100
FT COINCIDENT WITH N LINE
SD QR TO PT BEG:TH SLY 175
FT PERPENDICULAR TO SD N
LINE TH ELY 150 FT PARA TO
SD N LINE TH NLY 175
FT PERPENDICULAR TO SD N
LINE TO PT ON SD N LINE TH
WLY 150 FT COINCIDENT
WITH SD N LINE TO TRUE PT
BEG COL (DIV 2000 600414)

#	DATE	DESCRIPTION	BY	DESIGNED BY: ARO	 BARTLETT & WEST 1200 SW EXECUTIVE DRIVE - TOPEKA KS 66615-3850 PHONE 785-375-3555 • FAX 785-375-7549 WWW.BARTWEST.COM	WATER SYSTEM IMPROVEMENTS RWD No. 5 DOUGLAS COUNTY, KANSAS	DG RWD 5 CONNECTION SITE PLAN		PROJ NO: 14366.600	DRAWING NO:
				CONST PROJ: ----					1	
				SCALE: AS NOTED					SHEET NO:	
				DATE: APRIL 2016					1 OF 1	