

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, JANUARY 4, 2017

3:00 p.m. – Recognition of Service for Commissioner Jim Flory

4:00 p.m. – County Commission Meeting

-Consider approval of the minutes for [October 12](#), [October 19](#), [November 2](#), [November 9](#), [November 16](#), [November 17](#), [November 30](#), [December 14](#) and [December 21](#), 2016.

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders; and
(b) [Consider approval to authorize staff to use current signature set until new Commission Chair is elected and new signature set is programmed \(Marni Penrod\)](#)

REGULAR AGENDA

- (2) (a) Consider approval of Accounts Payable (if necessary)
(b) Appointments
(c) Public Comment
(d) Miscellaneous
- (3) Adjourn

MONDAY, JANUARY 9, 2017

9:00 a.m. – Swearing in of elected County Commissioners

WEDNESDAY, JANUARY 11, 2017

-Appointment of positions.

WEDNESDAY, JANUARY 18, 2017 – (Light or cancelled)

WEDNESDAY, JANUARY 25, 2017

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.

October 12, 2016

Flory called the regular meeting to order at 4:00 p.m. on Wednesday, October 12, 2016 with all members present.

PROCLAMATION 10-12-16

Flory moved to approve a proclamation, as presented by Kristin Chapman, Director of Community Engagement with Willow Domestic Violence Center, declaring October 2016 as "Domestic Violence Awareness Month" in Douglas County. Motion was seconded by Thellman and carried 3-0.

CONSENT AGENDA 10-12-16

Flory moved approval of the following Consent Agenda:

- ▶ Commission Order No. 16-028 (on file in the office the Count Clerk); and
- ▶ KDOT Master Agreement 169-14 Federal Aid Statewide Critical Features Bridge Inspections;
- ▶ An agreement with KDOT for shared use of facilities on East 25th Street (fueling facility and sand & salt storage facility); and
- ▶ Authorized the Public Works Director to approve change orders totaling up to 40% of the construction contract amount for Project NO. 2015-69, bridge deck rehabilitation for Bridge No. 17.82N-10.00E.

Motion was seconded by Gaughan and carried 3-0.

PLANNING 10-12-16

The Board considered **CUP-16-00312**, a Conditional Use Permit for a new 199' Verizon Wireless communication tower, located north of the Westar Substation at 1287 E 1200 Road. Submitted by PAMCORP LLC, for Verizon Wireless LLC on behalf of The Kansas District of the Wesleyan Church Inc, property owner of record. Sandra Day, Lawrence-Douglas County Metropolitan Planning Staff, presented the item.

Day stated the CUP was previously approved by both the Planning Commission and County Commission. The approval expired after one year when a building permit was not obtained. Staff recommends approval of the Conditional Use Permit for a communication tower located at 1287 E 1200 Road based upon the following findings of fact.

- I. **Zoning and used of property nearby.** The predominate zoning and land use on the west side of E 1200 Road (Kasold Drive) is agricultural. The predominate zoning and land use on the east side of E 1200 Road (Kasold Drive) is currently undeveloped but zoned for future Religious Institution and Duplex Residential uses.
- II. **Character of the area.** This property is located in a unique area of Lawrence between the existing city limits and the South Lawrence Trafficway/K-10. The property is bounded by Yankee Tank Creek and includes limited development options because of existing floodplain. Area to the east is developing with residential uses.
- III. **Suitability of subject property for the uses to which it has been restricted.** The portion of the subject property zoned A (Agricultural) District is a suitable district for the proposed use. The base zoning district is not altered by this request. A communication tower is an allowed use in the A (Agricultural) District subject to a Conditional Use Permit.
- IV. **Length of time subject property has remained vacant as zoned.** The property is essentially vacant with the exception of two silos as described above. (The property is currently vacant with the exception of two silos located in the southeast corner of the site. The zoning has remained unchanged since 1966. Previously the applicant sought and obtained approval for construction of a communication tower. The approval expired resulting in the applicant seeking new approval for the same project.) The zoning has remained unchanged since 1966. The previously approved CUP expired.
- V. **Extent to which removal of restrictions will detrimentally affect nearby property.** Development potential in the area is limited by the presence of extensive regulatory floodplain. At this time the area to the north and east is undeveloped. Any future development will occur with knowledge of this improvement, if approved.
- 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.** The benefit to the public is improved cellular communication and wireless data capacity within the Verizon network. Additionally, the structure provides an opportunity for other carriers to co-locate in the future. If denied, the property can continue to be used for current land uses and those uses allowed per the existing zoning of the property.
- VII. **Conformance with the comprehensive plan.** The comprehensive plan does not provide any specific land use recommendations regarding communication towers. A Conditional Use Permit can be used to allow

specific nonresidential uses subject to approval of a site plan. This tool allows proportional development in harmony with the surrounding area. The proposed request is consistent with the Comprehensive Plan.

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

Gaughan moved to reapprove CUP-16-00312, a Conditional Use Permit for a new 199' Verizon Wireless communication tower, located north of the Westar Substation at 1287 E 1200 Road. Motion was seconded by Thellman and carried 3-0.

INTERLOCAL AGREEMENT/CITY OF LAWRENCE 10-12-16

After receiving no public comment, Flory moved to approve an amendment to an Interlocal Agreement with the City of Lawrence and the Economic Development Corporation of Lawrence waiving special assessments of five County owned tracks in Ease Hills Business Park and indefinitely deferring the assessments on the remaining three county-owned lots. Motion was seconded by Gaughan and carried 3-0.

FIRE AND MEDICAL/SENIOR SERVICES 10-12-16

The Board considered the approval of letter regarding cost sharing for the reconstruction of Fire Station No. 1 located at 746 Kentucky Street in Lawrence. Marvel Williamson, Executive Director of Douglas County Senior Services; Mark Bradford, Fire Chief; Diane Stoddard, Assistant City Manager, were present for discussion.

The total estimated cost of the reconstruction project is \$6,378,154.00. The City intends to issue general obligation bonds to fund a portion of the costs. Douglas County agrees to reimburse the City for a portion of the actual cost of the project, plus the interest and costs of issuance related to the general obligation bonds. The County will pay 25.64% of the actual total cost (estimated at \$3,357,978.58) of the reconstruction that will be occupied and used by the Lawrence Douglas County Fire and Medical Department (LDCFM) estimating the County cost at \$978,185.71 with the City paying \$2,868,792.87, plus interest and costs of issuance.

The estimated reconstruction cost for the Douglas County Senior Services, Inc. (DCSS) project is estimated at \$2,520,175.42. Douglas County will pay 32% of the cost (estimated to be \$806,456.13, plus interest and cost of issuance). The City's share of the cost is therefore estimated to be \$1,713,719.29, plus interest and costs of issuance.

The remodel agreement was based on a 1996 agreement for past financing. Douglas County Senior Services will be required to evacuate the building during construction for a period of eight months to a year. Williamson has asked Douglas County to consider letting DCSS use the Old Public Works

facility on Massachusetts Street as a temporary location, though there are concerns about the building.

Flory stated he fully supports the continued efforts for the senior services operation and asked if the \$520K is available in the CIP. Sarah Plinsky confirmed it is. Flory asked if the \$1.3 million is spread over a 13 year period. Craig Weinaug, County Administrator, stated yes. The next three years will be tight with the CIP. Based on past history, he is hoping to use year end to make payment and pay down the balance.

Gaughan stated he is happy to see the collaboration on this project with the City/County County/Fire and Medical/Senior Services working together on this project. Without the collaboration the project would cost more.

Thellman said Fire Station No. 1 is clearly in need of attention. There are benefits for Senior Services to be located down town especially under the new leadership of Dr. Williamson. Thellman said she is excited about the improvements, but want to hear more about the concerns about the using the Public Works site.

Flory said the intention is to demolish the building and he has concerns about putting money into improvements for that location. There is a risk of a major system breakdown with considerable costs.

Flory opened the item for public comment. No comments were received.

Flory moved to approve the letter for preliminary cost sharing for the reconstruction of Fire Station No. 1, and for staff to look at alternative locations to the old Public Works site for Senior Services to use. Motion was seconded by Thellman and carried 3-0.

Note: County Commission at later meetings was notified that the temporary location for Senior Service would probably be at the Peaslee Center.

There will be a formal agreement discussion on final costs.

CONCERN CARRY PERSONNEL POLICY 10-12-16

Discussion of the employee Conceal Carry Personnel Policy was deferred to the October 19, 2016 agenda.

PURCHASING/WALK ON ITEM FOR COURTROOM REMODEL 10-12-16

After discussion, Thellman moved to authorize an additional 10% (\$9,328.40) increase in change order authority to be approved administratively for project related to architectural services of the courtrooms and/or basement and jury assembly room remodel.

ACCOUNTS PAYABLE 10-12-16

Flory moved to approve accounts payable in the amount of \$1,024,476.36 paid on 10/06/16; and payroll in the amounts of \$450.00 and \$956,623.86 paid on

09/16/16, and \$913,987.32 paid on 09/30/16. Motion was seconded by Thellman 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

October 19, 2016

Flory called the regular meeting to order at 6:00 p.m. on Wednesday, October 19, 2016 with all members present.

Flory stated regarding Item 2 (TA-16-00323) and Item 3 (the extension to Midnight Farm Conditional Use Permit), there was a mix-up in the notice sent to property owners. A number of people showed up at 4 p.m. and the items are on the agenda for 6:00 p.m. The Board will receive the presentation tonight and receive comments, but defer the action to November 9, 2016.

CONSENT AGENDA 10-19-16

Flory moved approval of the following Consent Agenda:

- ▶ 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 to allow time for the completion of the building permit review process subject to the conditions approved by the County Commission at their September 23, 2013 meeting, as revised at their October 21, 2015 meeting; and
- ▶ Permission to enter into a contract with Bert Nash for the AID program grant that the County was awarded by U.S. Department of Justice.

Motion was seconded by Gaughan and carried 3-0.

PLANNING 10-19-16

The Board considered TA-16-00323; a Text Amendment to section 20-319-4 Conditional Uses Enumerated of the Zoning Regulations to add small scale industrial uses with standards to the list of uses which are permitted when approved as Conditional uses. Mary Miller, Lawrence-Douglas County Metropolitan Planning Staff, presented the item. The Planning Commission approved the item unanimously at their 09-26-16 meeting.

The amendment adds Small Scale Industrial uses to the list of uses which are allowed when approved as a Conditional Use. In some cases, a Home Occupation grows to the point where it no longer meets the criteria for a Home Occupation but it remains small enough that it would be compatible with the surrounding uses. Miller cited the example of Richard Jumpstarters, who outgrew Home Occupation and wanted to rezone his entire 95-acres for industrial. The County didn't feel rezoning the entire 95 acres was appropriate when his business actually uses five acres.

The Board asked staff to look into some options. Option 1 was use conditional zoning where all uses, but the proposed uses, are removed from the district. Developing a Small Scale Industrial Conditional Use will allow the use in those locations where it would be appropriate, without allowing the other uses permitted in the I-1 District that may not be suitable for the area. Miller said we are avoiding rezoning to I-1 District by using CUP with elements and features of I-1 zoning.

Flory stated he thought we were trying to avoid rezoning to I-1. Miller replied, yes, we are by using CUP with elements and features of I-1 zoning. We added in additional recommendations that would ordinarily apply to an I-1 rezoning to this IUP with floodplain protections, vegetative cover requirements, maximum FTE, adequate infrastructure, all business activity conducted indoors with no exterior storage, all parking on site, limits for exterior lighting and no 24/7 activity. Miller said she left out requirements of 40 acres and minimum slopes. The maximum building size is 10,000 sf., the same size as the value-added agriculture, but wanted to build in some flexibility where a slightly larger building may be acceptable. You can have up to 15 full-time employees but determined by compatibility of the surrounding area.

Thellman stated a small scale food business was allowable in the past where a small meat processing and slaughtering was not. With our desire to keep local protein processing close and within our area, would small customer cutting be allowed? Miller said the language would need to be revised to include that. She was looking at what was allowed in I-1 Zoning, but low intensity processing language could be added.

Gaughan asked if there is an advantage from going to residential to zoned industrial for home businesses and is this a big workload for staff. Miller responded she does not see a burden for staff. There are a few businesses that have outgrown their existing permit which will require a CUP. She said a Home Occupation license is a lot easier and more administrative in nature. A CUP is much more involved.

Flory opened the item for public comment.

Brendan Armstrong, Armstrong Enterprises, stated he supports the addition of this text because it offers the opportunity move and grow in the future. The amendment will help small businesses diversify.

Linda Long, 1164 E 1500 Road, asked for clarification if this amendment is a CUP. Flory said this is a text amendment that would allow a person to apply for a CUP to operate within their existing zoning. This is a way to have a Conditional Use Permit (CUP) that will allow for a certain activity in agriculture or value-added zoning.

Flory said the Board will take the text amendment under advisement and will set the final discussion on December 9 at 6 p.m. The Board will also accept comment at that time.

Flory moved to table the item until November 9 agenda. Motion was seconded by Thellman and carried 3-0.

PLANNING 10-19-19

The Board considered an extension to Midnight Farm Conditional Use Permit, Community Living Opportunities, located at 2083 N 600 Road. Mary Miller, Lawrence-Douglas County Metropolitan Planning Staff, presented the item.

The original CUP was approved in 2016 with the condition it would expire in 10 years unless renewed by the County Commission. The renewal request is what is for consideration. Midnight Farm provides persons with disabilities therapeutic services such as horseback riding, various educational and recreational activities for clients and their families. They are compliant with the current plan. The only concern Miller had was in the southwest corner of the property there is a structure she questioned. After speaking with the owner, the structure is a secret garden with a shade which is not a building.

The County Engineer provided a traffic count due to a dust complaint. He recommended Midnight Farm participate in the dust palliative program for the north part of E 2100 Road and a portion N 600 Road.

Flory asked if the dust palliative would benefit others. Miller responded that it would. Flory added asking to do dust palliative for another is concerning and not something the County has normally done. He asked what the cost would be. Miller responded approximately \$7,000 annually.

Flory asked if the traffic study was consistent with other county roads or was the count high. Keith Browning, District or Public Works, said the county was not unusually high though he would say Midnight Farm does increase traffic but the highest count was 134 in one day which is not high for a township road.

Thellman said she also received an email which mentioned wash boarding and poor conditions of the road. She asked if that is more of a maintenance issue. Browning said wash boarding is typically due to either traffic acceleration or deceleration leaving an intersection or coming up to a stop sign. The more traffic on a road will tend to exacerbate.

Flory opened the item for public comment.

Lyle Pishny, 2116 N 600 Road, asked if a new notification will be sent to surrounding property owners to determine when this will be on the agenda. One neighbor, Cody Wilson, directly across from Midnight Farms asked Pishney to share his concerns: 1) the increased volume of traffic on E 2100 Road and N 600 Road and dust generated and 2) The CUP required the farm to maintain vegetation along property boundaries. Pishney said he feels the

level of activity at Midnight Farm exceeds the original rural and agricultural zoning. He would like to see the CUP denied and or the dust treated.

Joel Souders, 639 E 2100 Road, stated his concerns are about the impact of dust on the area cattle and their ability to forage, and the wear on their teeth. He also commented that for a nonprofit organization the Midnight Farm business is quite extravagant.

Ed Moore, Douglas County Resident, asked if the CUP is approved would it grant the applicant to allow more residents on the property. Gaughan replied, no, this application is just to renew the existing CUP. Flory added, there is nothing in the application that allows for expansion.

Flory confirmed that a new notice will be sent out to property owners within 1000 feet for the deferred item to be heard on November 9.

Mike Strauss, Executive Director of Community Living Opportunities (CLO), stated Midnight Farms does offer therapeutic riding and summer camps with 12-15 campers four weeks per summer and day services each day. Most coming to the farm come in eight-person vans using Church Street. Those not using Church Street are people attending events but are not employees. He stated there is also a church, a commercial trucking company and a greenhouse along N 600 Road that contributes to traffic. There is only one entrance to Midnight Farms so he feels the traffic count should be taken at the entrance to get an accurate count of Midnight Farm traffic. Strauss added in 10 years he has received little concerns about the operation. He had no knowledge of the dust problem.

Thellman said there have been comments received that Midnight Farms is holding activities at the farm not related to the original envisioned use. She asked if they are offering activities to the general population. Strauss said they offer a family fun day, and some other events that the public is invited to, usually community outreach.

Flory said there is no doubt the Midnight Farm operation increases the traffic on the rock roads. He asked Strauss if he had any thought on how the County can add a condition to address the dust issues while approving the continuance of the CUP. Strauss said the Board believes that CLO should participate in the dust palliative program they will though Midnight Farms is a nonprofit that is paid for by volunteers and donations. Strauss said he feels the traffic count determination should not include the entrance onto N600 Road because of the other businesses using that entrance. Strauss added there is very little use of the rock road coming from Baldwin. Traffic mainly comes from 600 Road, and E 2100 Road of which he feels Midnight Farms has no control.

Gaughan asked how many Midnight Farm clients are using cost waivers to use their services. Strauss replied 100%. The purpose of Midnight Farms is to

get children into services while they are young because the process to get on a waiting list for services averages seven years.

Flory said before November 9, he would like to staff to determine a proposed dust treatment and costs. He is not inclined to ask applicant to supply dust palliative the entire countryside. The County doesn't do that for anyone else. A large family with 14 kids driving on those roads would create a lot of dust.

Gaughan stated this is a great project and extremely important. He has heard the neighbors say that. He doesn't want that to get lost. Every dollar we require CLO to spend takes away from their services.

Thellman added you cannot lay the blame for the dust entirely on one residence. There are some big users along these roads. She'd like staff to come up with a reasonable solution.

Pishny added the application stated there is a nursery operation on the site that may contribute to the traffic doesn't exist. He also feels it defies common sense to blame the trucking company for the dust that sits at the corner of a paved road and N 600 Road when he has never seen a truck travel that direction. Flory said he will not be convinced that every car that travels on the rock road is going to Midnight Farm.

Flory moved to table this item until November 9 at 6:00 p.m. where the Board will receive additional comments and will make a determination. Motion was seconded by Gaughan and carried 3-0.

CJCC UPDATE 10-19-16

Robert Bieniecki, CJCC Coordinator, gave an update to the Board on the CJCC retreat held on August 27, where the group created a one-year plan. The council split into work groups. Group 1 is studying the high representation of color in the County jail population. Chief Khatib provided data and is working with the Sheriff on policy. They are working on a case study to follow an offender through the system at each point. Group 2 is looking at the number of persons of color in the jail. They will be looking at eight years of data and coming up with questions to be answered by data experts; and Group 3 is looking at alternatives to incarceration such as electronic monitoring and a house arrest program more robust than the existing program to low level offenses to save bed space. The group is also looking to improve the journal entry process for sentences from judge to expedite and eliminate days in jail; and to notify offenders of first court date to decrease the failure to appear.

Gaughan suggested adding a text based notification for young offenders may be helpful.

Bieniecki stated other discussions included a pretrial monitoring program, a behavioral health court; and 30 different alternatives to incarceration being

applied throughout the country (20 of which Douglas County is already doing).
Bieniecki added his office has been moved to 1040 New Hampshire.

No action taken.

ACCOUNTS PAYABLE 10-19-16

Flory moved to approve accounts payable in the amount of \$375,524.15 paid
on 10/13/16. Motion was seconded by Thellman and carried 3-0.

Gaughan 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

November 2, 2016

Flory called the regular meeting to order at 4:00 p.m. on Wednesday, November 2, 2016 with all members present.

ANNOUNCEMENT 11-02-16

Flory announced County Administrator Craig Weinaug was in a bicycle accident and will not be available for a few weeks. Information can be forwarded to Assistant County Administrator Sarah Plinsky or Executive Secretary Robin Crabtree.

ANNOUNCEMENT 11-02-16

Steve Clark, Clark Huesemann Architects, announced Douglas County was the recipient of AIA Central States Regional Design Excellence Award for outstanding architecture in the Iowa, Kansas, Missouri, Nebraska and Oklahoma area for the new Public Works facility located at 3755 E 25 Street. The award was presented to Douglas County and Public Works Director Keith Browning.

MINUTES 11-02-16

Gaughan moved approval of the minutes for August 24, September 7, September 21 and September 28, 2016. Motion was seconded by Thellman and carried 3-0.

CONSENT AGENDA 10-12-16

Flory moved approval of the following Consent Agenda:

- ▶ Commission Order No. 16-028 (on file in the office the Count Clerk); and
- ▶ Agreement with KDOT for a project to install traffic signals on US-59 highway at the Route 458 (N 1200 Road) intersection.

Motion was seconded by Thellman and carried 3-0.

NEIGHBORHOOD REVITALIZATION/CITY OF LAWRENCE 11-02-16

The Board considered a recommendation from the Public Incentive Advisory Committee (PIRC) and considered City/County/School District participation in a 10 year, 85% Neighborhood Revitalization Area (NRA) for Williams Management LLC for their mixed-use project at approximately 826 Pennsylvania Street. Britt Crum-Cano, Economic Development Coordinator, presented that item.

Matt Gough, Barber Emerson, stated the project will add two stories to the building, which at some point had been removed and it will offer an affordable housing component. The plan is to set aside two-bedroom units that tie into the low tax credit program. The rental maximum and income qualification requirements are set by Kansas standards with a rental maximum of \$849 per month with utilities included. The building is located in Zone 1 and a historic part of town. The project will create 11 full-time positions.

Tom Jackson, Nation Development Council Inc. (NDC), gave a brief overview of NDC and how they evaluate whether a GAP request is reasonable or appropriate. The NDC found the request for this project reasonable and does have a financing gap. The conclusion of the evaluation is a total project cost of just over \$3.6 million with very generous bank financing. With the 85% NRA and the requested IRB incentive, Williams Management Inc. would see a projected return on their investment of 9.85% modeled over a 25-year period. With just the NRA incentive and no IRB, the projected return would drop to 8.51%; with just the IRB the investment would drop to 7.99%; and 6.98% return with no incentives at all. With a 50% NRA and an IRB incentive the return on 25 years would be 9.03%.

Crum-Cano explained it is important along with the numbers to take into consideration other things that put a project within context. This is an opportunity to redevelop a vacant property to productive use; it is an opportunity to provide density and vibrancy in an area the City and County have already significantly invested in; and it is an infill. Staff feels eligibility requirements have been met at both the state and city level for an NRA and IRB. Cost benefit analysis shows the ratio has exceeded requirement for taxing jurisdictions; and GAP analysis has concluded the gap is reasonable. Crum-Cano predicts the property tax revenue generated will be a modest but a healthy return during the NRA period as opposed to the undeveloped property, but there will be a real payoff after the NRA expires and the property goes fully back on the tax rolls. The City approved a 50% 10-year NRA.

Flory asked if the other NRA projects in that area, the Cider Gallery and 9 Del projects, were approved at 85%. Crum-Cano responded that is correct.

Thellman stated she sits on the Affordable Housing Committee and they are excited about this project.

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

After discussion, Flory moved to approve the request for a 10-year, 85% Neighborhood Revitalization Area (NRA) rebate and an Industrial Revenue Bond (IRB) sale tax exemption for Williams Management LLC as recommended by staff and justified by extensive analysis. Motion was seconded by Gaughan and carried 3-0.

RECESS

The Board recessed at 5:15 p.m. for a short break. At 5:25 p.m., the Board returned to session.

SANITARY CODE 11-02-16

The Board considered approval of proposed changes to the Sanitary Code adopting revised requirements for land application of septage, to be submitted to KDHE for approval. Dan Partridge, Director of Lawrence-Douglas County Health Department, presented the item.

Partridge stated the Health Department has reviewed the Douglas County Sanitary Code with regard to the process and criteria for approval of site for land application of septage. The current Sanitary Code requires licensed septage haulers to comply with standards set forth under Title 40, part 503, of the Code of Federal Regulations. Though there is no requirement of residential setback when approving a land application site, after consulting with experts at KDHE and the EPA, the Health Department staff recommends a residential setback to 500 feet. If the Board agrees, Partridge would like to begin the review and approval process directed by KDHE.

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

Flory moved to approve beginning the preview and approval process as directed by KDHE, and authorized the County Chair to sign a letter of request. Motion was seconded by Thellman and carried 3-0.

FAIRGROUNDS 11-02-16

The Board considered the approval of rental and use guidelines, a fee schedule and rental agreement for the Douglas County Fairgrounds. Jill Jolicoeur, Assistant to the County Administrator, presented the item.

Discussion included the new fairgrounds guide which identifies primary users, authorized purposes and fees for associated uses. Alcohol is permitted on the fairgrounds. However, major events will require additional liability insurance. The guide defines usage categories and whether an event is a small or major event. Typically staff will consider an event major if animals or equipment are involved, or if it is a public event.

Flory asked if the major event definition is spelled out. David Sparkes, Director of Maintenance, stated the definition is spelled out in the existing Resolution 97-11, Sec 3.

Flory asked if the resolution provides discretion for staff to allow for a tiered deposit for small animal events. Sarah Plinsky, Assistant County Administrator, stated typically our liability policy does not cover animal usage on the fairgrounds. Generally the deposits have not been waived to cover any significant damage associated with an animal event. We do require liability

insurance where the County is named as the secondary insured if they are sued for liability. We have traditionally required a \$1500 deposit.

Sparkes added there are groups who have multi-use events each year at the fairgrounds and we deposit their checks. On small one-time events, we hold the check and return it after clean up if there is no damage.

Jolicoeur added the increase in deposit for animal events from \$1500 to \$2500 came from damage by animals, especially cattle, resulting in more than the \$1500 deposit.

Plinsky added we do have separate insurance for the County fair and are getting more coverage associated with 4-H and those programs involving animal insurance issues. She said if we lower the deposit for smaller events We should not change the requirements related to the liability insurance.

Plinsky asked if the regulations changed regarding fee exemptions for Douglas County youth groups. Jolicoeur confirmed any Douglas County based youth groups that are serving Douglas County are not assessed a fee. Flory stated he wanted to make sure that waiver language is in the guidelines.

Jolicoeur stated she also added language to the section on security entry to include fairgrounds staff.

Gaughan asked if the fees would change for the use of the culinary kitchen in Building 21. Plinsky said the culinary kitchen would be managed under a separate set of agreements. The fees have not changed. However, Plinsky added the fees for the open pavilion may change as we learn more about its usage.

Jolicoeur said staff is also looking into launching an online reservation system for the webpage in 2017.

Flory opened the item for public comment.

Julie Jacobs, Douglas County resident, stated she would like the County to consider lowering the deposit for small animal shows because small groups won't be able to come up with a \$2,500 deposit. Jacobs stated the County can add restriction on the number of entries if necessary.

The Board discussed giving staff the authorization to set a lesser fee for low impact animal events in Building 21. Flory suggested a \$500 deposit would be reasonable and for staff return the check if upon inspection staff found no damage.

The item was tabled for revisions and will return for approval on a future consent agenda.

EMPLOYEE CONCEAL CARRY PERSONNEL POLICY 11-02-16

Flory moved to approve the Employee Conceal Carry Personnel Policy as presented by staff. Motion was seconded by Gaughan and carried 3-0.

ACCOUNTS PAYABLE 11-02-16

Flory moved to approve accounts payable in the amount of \$716,552.27 to be paid on 11/03/16. Motion was seconded by Thellman 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

November 9, 2016

Flory called the regular meeting to order at 4:00 p.m. on Wednesday, November 9, 2016 with all members present.

CONGRATULATIONS 11-09-16

Flory congratulated Commissioner Thellman on winning her third term for the 2nd District County Commission seat; and to Michelle Derusseau who won her first term County Commission seat for the 3rd District.

CONSENT AGENDA 11-09-16

Flory moved approval of the following Consent Agenda:

- ▶ Commission Order No. 16-031 (on file in the office the Count Clerk); and
- ▶ Notice of the Township for cereal malt beverage license for Flamingo Enterprises at 1626 E 1550 Road;
- ▶ Notice of the Township for cereal malt beverage license for Clinton Marina at 1329 E 800 Road;
- ▶ Notice of the Township for cereal malt beverage license for Clinton Submarina at 1329 E 800 Road;
- ▶ Class "B" Club License for The Bird of Lawrence at 1626 E 1550 Road;
- ▶ Community Corrections FY2017 Quarterly Budget Adjustment Report;
- ▶ Utility Easement to the City of Lawrence to facilitate the construction of the Wakarusa Township Fire Station improvements;
- ▶ FY2016 Community Corrections Year End Outcomes Report.

Motion was seconded by Thellman and carried 3-0.

Pulled from the agenda:

FAIRGROUNDS 11-09-16

The Board considered approval of the revised rental and use guidelines, fee schedule and rental agreement for the Douglas County Fairgrounds.

Flory opened the item for public comment.

Julie Jacob, Douglas County resident, asked for clarification that the Tier 1 event group \$500 deposit was eligible for refund. Assistant County Administrator Sarah Plinsky confirmed that is correct that the major definition was defined within the guidelines.

Flory moved to repeal Resolution 97-11 and approve the Douglas County Fairgrounds Guide for Fairgrounds Rentals Use, Rental Agreement and 2017 Fee schedule. Motion was seconded by Gaughan and carried 3-0

PLANNING 11-09-16

The Board considered **CUP-16-00035**, the renewal of a Conditional Use Permit for Prairie Moon School *Preschool Program*, located at 1853 E 1600 Road. The application was submitted by Melissa Watson for Waldorf Association of Lawrence tenant, Grant Township, property owner of record. Sandra Day, Lawrence-Douglas County Metropolitan Planning Staff presented the item.

Under original CUP-1-2-05, the preschool was approved by the County Commission on April 8, 20015 with one of the conditions that the approval was valid for a ten year period unless the CUP was renewed. This CUP application is a request for a renewal following the expiration of the ten year approval period.

Staff recommends approval of the CUP for Prairie Moon School Preschool Program, based upon the following findings of fact:

- I. **Zoning and uses of property nearby.** The immediately surrounding area is zoned A (agricultural) in all directions. County industrial zoning is located west adjacent to the Lawrence Municipal Airport and to the south along Highway 24/40. KU Endowment owns the tracts of land immediately north and south of the property. These tracts are used for agricultural purposes.
- II. **Character of the area.** The area has access to the major transportation network with the subject property taking access to E 1600 Road, a north/south local road which connects with Highway 24/40 to the south. Agriculture uses dominate the area. The Kansas River, major streams and highways through the Township as well as the Lawrence Municipal Airport are also significant features 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 was developed as an elementary school and is currently being operated as a school that includes early childhood education. The property is well suited for the continued use of the building and surrounding area for a school with a Preschool program.
- IV. **Length of time subject property has remained vacant as zoned.** The property is not vacant. The building is actively used as a school that includes pre-K through 8th grade education.

V. Extent to which removal of restrictions will detrimentally affect nearby property. The facility has been in operation since 2005 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 child care center (Preschool) 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 education facility which offers alternative learning and child care options for the community.

VII. Conformance with the comprehensive plan. The proposed request utilizes existing building space originally designed as a school. The proposed request is consistent with the general principals of Horizon 2020 outlined above.

Flory asked if any expansion request would come back before the Board. Day responded it would but as a site plan.

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

Thellman moved to approve the renewal of Conditional Use Permit, CUP-16-00035, for Prairie Moon School preschool program, and clarified this application will not have a CUP renewal requirement. Motion was seconded by Gaughan and carried 3-0.

ACCOUNTS PAYABLE 11-09-16

Flory moved to approve accounts payable in the amount of \$2,000,960.95 paid on 11/09/16. Motion was seconded by Gaughan carried 3-0.

RECESS 11-09-16

At 4:17 p.m. the Board recessed until the 6:00 p.m. meeting.

RECONVENE 11-09-16

The Board reconvened at 6:00 p.m.

PLANNING 11-09-16

The Commission considered an extension to Midnight Farm, CUP-04-03-06, a Conditional Use Permit for Community Living Opportunities, located at 2084 N 600 Road, as tabled from the October 19, 2016 meeting, with added discussion on traffic concerns. Mary Miller, Lawrence-Douglas County Metropolitan Planning Staff presented the item.

Chad Voigt, Deputy Public Works Director, addressed traffic issues expressed by surrounding neighbors on October 19 that Midnight Farm generates increased traffic along portions of N 600 and E 2100 roads. Douglas County took a traffic count on portions of E2100 and N600 roads and determined an approximate 20% increase in traffic. Staff proposed three options: 1) No dust palliative requirement; 2) Require Midnight Farm to treat 5,000 linear feet (l.f.); and 3) Require Midnight Farm to treat some portion of 5000 l.f.

Staff recommended the third option with the Board of County Commissioners determining the portion to be paid by Midnight Farms. Given the nonprofit nature of Midnight Farms, staff suggested Midnight Farms be required to pay for 1,000 l.f. of dust palliative treatment annually covering portions of N 600 Road west of the intersection along Midnight Farm property, and treatment on E 2100 Road in front of a residence on Midnight Farm property and a residence directly across the road. The remaining approximately 4,000 l.f. of treatment would be paid by Douglas County. At this year's cost of \$1.40/l.f., treatment would cost Midnight Farm approximately \$1,400 and Douglas County \$5,600.

Flory opened the item for public comment.

Ron Wright, 2045 N 600 Road, asked if the County would consider requiring a stop sign at the end of the Midnight Farm driveway. He has had a few close calls with Midnight Farm drivers not checking for oncoming cars when pulling out of their driveway; and he also asked if the owner plans to remove the trailer that is currently located on the property.

Flory responded it is highly unusual to ask someone to place a stop sign on a private property, though the concern can be passed along to our Public Works director. Flory confirmed with Miller that the removal of the trailer was not a condition of the CUP but just part of the plan. It is not required to be moved.

Lyle Pishny, 2116 N 600 Road, stated he feels staff has done a good job taking steps to eliminate the dust created by Midnight Farm traffic. However, he has concerns over the non-profit status of Midnight Farm as they are allowing weddings and other functions on the property; and the number of events occurring on the property may be exceeding the limitations of the CUP stipulations.

Eldon Lynn, Jr., 2196 N 600 Road, questioned why the dust palliative proposal does not include his residence. Flory responded the property in question is the location of the trucking operation. He thanked Lynn for his comments but stated staff has already gone far beyond what the County would normally do for dust control.

Flory moved to approve CUP-04-03-06, a Conditional Use Permit for Midnight Farm, Community Living Opportunities, located at 2084 N 600 Road, with the following conditions as recommended by staff:

The CUP plan (as revised with SP-2-8-12) shall be revised with the following changes:

1. General Note 19 revised as follows: *"This Conditional Use Permit will expire at the end of 10 years (Calendar Year 2026) unless an application for renewal is submitted prior to that expiration date and approved by the local governing body."*
2. Addition of the pavilion structure in the southwest corner of the site; and
3. Addition of a note outlining the dust palliative program as approved by the County Commission. The dust palliative program was determined as follows: *"Midnight Farm shall provide payment to the Douglas County Public Works Office annually to participate in the County dust palliative program for 1,000 linear foot of treatment. This treatment will be applied on N 600 Road west of the intersection along Midnight Farm property, and on E 2100 Road in front of a residence on Midnight Farm property and a residence directly across the road. The remaining approximately 4,000 linear foot of treatment shall be applied in front of other residences on E 2100 Road north of N 600 Road, and on N 600 Road east of the intersection with E 2100 Road, but will exclude the residence at the intersection of N 600 and E 2200 Roads, as a trucking business operates at this residence. This approximately 4,000 linear feet portion of the treatment shall be funded by Douglas County."*

Gaughan asked if it is unusual for a property owner to pay for treatment for another property owner. Voigt said that is correct.

Flory added that activities that are not in compliance with the conditions of a Conditional Use Permit can be considered at any time with a report made to the Planning Office. Staff will investigate.

Motion carried 3-0.

PLANNING 11-09-16

The Board considered TA-16-00323, Text Amendment to Section 20-319-4 Conditional Uses Enumerated of the Zoning Regulations to add small scale industrial uses, with standards, to the list of uses which are permitted when approved as Conditional Uses, as tabled from the October 19 meeting. Mary Miller, Lawrence-Douglas County Metropolitan Planning Staff presented the item.

Flory stated the presentation for this item was made at the October 19 meeting. Flory said he received a comment from a Douglas County resident that he received too short of notice to appear so therefore the item was tabled.

Flory opened the item for public comment.

Karen Willey, Douglas County resident, said she is greatly in favor of entrepreneurial uses and ideas and she feels this text amendment opens up options for people to be creative for their businesses. Anything to support

home businesses is an environmental benefit of less time on the road and an opportunity for a good life.

Flory said he sees the text amendment to the regulations as a benefit because a CUP allows the county to exercise control over a specific project where a rezoning opens the door for a number of things that wouldn't be control.

Jeremy Long, 11231 Lakeview Drive, asked if the amendment was for stand-alone businesses or will it allow for industrial sites as well. Miller responded it could apply to home-based business that got just a little too large or it could be a stand-alone business based on the size and the impact.

Long asked if the stand-alone business would be required to produce proof there is no other suitable location in town for this business in an industrial area. People could use this as a backdoor to open a facility in the unincorporated area.

Flory said it is still subject to the CUP process and must meet all criteria and be consistent with the Comprehensive Plan; and then meet all conditions as set forth by the County Commission.

Gaughan moved to approve TA-16-00323, Text Amendment to Section 20-319-4 Conditional Uses Enumerated of the Zoning Regulations to add small scale industrial uses, with standards, to the list of uses which are permitted when approved as Conditional Uses, including most recent amendment. Motion was seconded by Thellman and carried 3-0.

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

James E. Flory, Chair

Mike Gaughan, Vice-Chair

ATTEST:

Jamie Shew, County Clerk

Nancy Thellman, Member

November 16, 2016

Flory called the regular meeting to order at 4:00 p.m. on Wednesday, November 16, 2016 with all members present.

CONSENT AGENDA 11-16-16

Flory moved approval of the following Consent Agenda:

- ▶ Commission Order No. 16-032 and 16-033 (on file in the office the Court Clerk);
- ▶ Memorandum of understanding between the Kansas Department of Corrections Division of Juvenile Services and Douglas County, Kansas; for purposes of funding two (2) Douglas County slots for Youth Advocacy Program, Inc., a Community Based Alternative to Out of Home Placement; and
- ▶ Amendment to Agreement Conditions of Grant Juvenile Justice Comprehensive Plan State Block Grant.

Motion was seconded by Thellman and carried 3-0.

ACCOUNTS PAYABLE 11-16-16

Gaughan moved to approve accounts payable in the amount of \$897,667.26 to be paid on 11/17/16. Motion was seconded by Thellman and carried 3-0.

APPOINTMENT 11-16-16

Thellman moved to appoint Mike Kelso to the Eudora Township position on the Douglas County Fairboard. Motion was seconded by Flory 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

November 17, 2016

Flory called the meeting to order at 9:00 a.m. on Thursday, November 17, 2016 with all two Commissioners present, Flory and Gaughan. The purpose of the Special Meeting was to canvass the results of the General Election held on November 8, 2016. Flory moved to appoint Paula Gilchrist, Douglas County Treasurer, to fill the canvass position of Commissioner Nancy Thellman. Motion was seconded by Gaughan and carried 2-0.

Gaughan moved to accept One Thousand Two Hundred Ninety-Six (1296) provisional ballots as recommended by the County Clerk; to not count Seven Hundred Nine (709) ballots as recommended by the County Clerk; and to not count the one (1) ballot regarding time with no recommendation by the County Clerk. Motion was seconded by Flory and carried 3-0.

Recommended to Count	Elec Day	Advance	Totals
Change of Address	331	312	643
Change of Address-Partial Count	143	1	144
Name Change	49	22	71
Pollworker/Clerical Error	38	6	44
Advance-ballot not returned	100	75	175
Proof of Citizen ship before deadline	17	5	22
Brought in ID	8	4	12
DMV/Online Partical (COA/CON)	2	2	4
DMV/Online Full (COA/CON)	35	17	52
Advance Signature		2	2
Wrong Precinct-All Count	22	2	24
Wrong Precinct-Partial Count	103		103
Total	848	448	1296

Recommended Not to Count	Elec Day	Advance	Totals
Not registered in Douglas County	177	40	217
Not registered in DG Co-Proof of Cit.	31	9	40
Not registered-DMV/On-line Reg	76	16	92
Did not provide ID	29	4	33
Moved out of county-did not re-register	24	0	24
Advance Returned	2	0	2
Registered in other county	236	61	297
Felony	4	0	4
Total	579	130	709

<u>No Recommended</u>	Elec Day	Advance	Totals
Time	1	0	1
Total	1	0	1

Gaughan moved to accept the write-in ballots as recommended by the County Clerk. Motion was seconded by Paula Gilchrist and carried 3-0.

Gaughan moved to accept the report of the votes by precinct, advance vote and mail in ballots; and to adjourn the meeting unless contacted by the County Clerk to reconvene for the prospect of provisional ballots affecting the outcome of any race. Motion was seconded by Flory and carried 3-0

James E. Flory, Chairman

Mike Gaughan, Vice Chair

ATTEST:

Jamie Shew, County Clerk

Nancy Thellman, Member

November 30, 2016

Flory called the regular meeting to order at 4:00 p.m. on Wednesday, November 30, 2016 with all members present.

CONSENT AGENDA 11-30-16

Gaughan moved approval of the following Consent Agenda:

- ▶ Commission Order No. 16-034 and 16-035 (on file in the office the Court Clerk);
- ▶ Resolution 16-23 for a Cereal Malt Beverage License for Flamingo Enterprises/The Bird of Lawrence;
- ▶ Resolution 16-24 for Cereal Malt Beverage License for Clinton Submarina;
- ▶ Resolution 16-25 for Cereal Malt Beverage License for Clinton Marina;
- ▶ Resolution 16-24 for Cereal Malt Beverage License for Clinton Submarina;
- ▶ Lease Agreement Renewal and Addendum with Hillcrest Wrecker and Garage, Inc.;
- ▶ IP Pathways Service and Maintenance contacts for Douglas County Emergency Management: 1) Cisco Renewal with 5-year option; 2) NetApp Renewal through EOSL;
- ▶ Text Amendments to Section 20-319-4 of the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas* to add a landfill use category as a Conditional Use and to establish standards for the use;
- ▶ Resolution 16-26 of the Board of County Commissioners of Douglas County, Kansas adopting text amendments to the Zoning Regulations for the unincorporated territory of Douglas County, Kansas, (for Small Scale Industrial Uses);
- ▶ Initiation of Text Amendments to Section 20-319-4 of the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas* to revise 12-319-4.31 Radio, television, telecommunication, and microwave towers to update the definitions and standards in compliance with recent State legislation; and
- ▶ Site Plan, SP-16-00391, for Bracker Good Earth Clays, located at 1831 E 1450 Road with the following conditions: 1) Provision of additional lighting information to the Planning Office for the proposed exterior wall-mounted light to insure that off-site glare will be minimized or utilization of a lower lumen light fixture. 2) Submittal of a revised site plan with the following change: a. The number of required parking spaced in the parking summary revised to '19.'

Motion was seconded by Thellman and carried 3-0.

FAIRGROUNDS 11-30-16

Eileen Horn, Sustainability Coordinator, made a presentation to the Board on the Douglas county Fairgrounds Master Plan for landscaping.

Paul Newkirk, Bartlett and West, laid out the landscape options for gathering places and mixed use green space. He suggested using the grassy parking area for soccer games and Frisbee golf with portable goals when not used for parking. Horn said there are possible funding opportunities such as grants to use for playground equipment. They are looking at using native vegetation so sprinkler systems will not be needed.

Sarah Plinsky, Assistant County Administrator, said they have a \$46K budget so they won't be able to do everything at once. Phases II and III may have to come to the Commission for money. She is hoping the County can seek partnerships as outside funding sources or develop individual funding plans.

Thellman asked if the project came in under budget. Plinsky replied the construction is not complete yet though she feels comfortable that there may be some money left over to help fund the landscaping. We also need to figure out how much landscaping our staff can maintain. The fairgrounds received an exemption from the City of Lawrence because of the master plan project and the improvements to 19th Street. The trees to not have to be put in yet but we may need to come up with additional funds for those trees.

Gaughan asked how long staff feels it will take to complete all three phases. Newkirk said the three phases will take about 10 years to complete.

No action was taken.

ACCOUNTS PAYABLE 11-30-16

Flory moved to approve accounts payable in the amounts of \$408,517.52 paid on 11/23/16; and \$213,011.31 to be paid on 12/01/16; and payroll in the amounts of \$4,887.26, \$7,813.76 and \$1,105,855.69 paid on 11/10/16; \$962,095.73 paid on 10/24/16; and \$928,895.85 paid on 10/28/16. 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

December 14, 2016

Flory called the regular meeting to order at 3:00 p.m. on Wednesday, December 14, 2016 with all members present.

EXECUTIVE SESSION 12-14-16

At 3:00 p.m., Gaughan moved for the Board to recess to executive session for 30 minutes (until 3:30 p.m.). The justification for the executive session is for consultation with legal counsel for the County regarding pending litigation, which would be deemed privileged under the attorney-client relationship. Attendees included Michael Seck and Chris Nelson, council with the firm of Fisher, Patterson, Saylor and Smith; John Bullock, Stevens and Brand; and Sarah Plinsky, Assistant County Administrator. Motion was seconded by Thellman and carried 3-0.

The Board returned to regular session at 3:30 p.m. No action was taken.

RECESS 12-14-16

The Board recessed until 4:00 p.m.

RECONVENE 12-14-16

The Board reconvened at 4:00 p.m.

PROCLAMATION 12-14-16

Flory moved to approve a proclamation declaring January 2017 as "Human Trafficking Awareness Month" in Douglas County. Motion was seconded by Thellman and carried 3-0.

AWARD PRESENTATION 12-14-16

The Board recognized Bryce Hirschman, GIS Coordinator, for receiving the KAM Outstanding mapping Project Award for 2016.

CONSENT AGENDA 12-14-16

Flory moved approval of the following Consent Agenda:

- ▶ Commission Order No. 16-036, 16-037 and 16-038 (on file in the office the Count Clerk);
- ▶ Class "B" Club License for Little Reno, Inc. DBA Paradise Saloon;
- ▶ Agreement with KDOT for the treatment of noxious weeds on state highway rights-of-way in 2017;

- ▶ 2017 Heritage Conservation Council's Natural & Cultural Heritage Grant Program materials;
- ▶ Conditional Use Permit, CUP-16-00425 for Jellystone Campground mini-or Self Storage Facility, located at 1472 Highway 4. Application was submitted by Allen Belot, for Ralph E. and Kimberley K. Newell. The CUP was approved with the following condition: 1) Provision of a light fixture detail to show the amount of direction of illumination and show what measures will be used to screen lighting and prevent glare;
- ▶ Joint Ordinance 9318 of the City of Lawrence, Kansas, and Resolution No. 16-27 of Douglas County, Kansas, amending Chapter 20, Article 8, Sections 20-803 and 20-806 of the Code of the City of Lawrence, Kansas, 2015 Edition, as amended, and Chapter 11, Article 1, Sections 11-104 and 11-106 of the Code of the County of Douglas, Kansas, as amended, pertaining to Subdivision Regulations, by adopting and incorporating areas of Douglas County, Kansas, December 16, 2016 Edition, Text Amendments, "as prepared by the Lawrence-Douglas County Metropolitan Planning Office, and repealing existing Sections 20-804 and 20-806 of the City Code, Section 11-104 and 11-106 of the County Code, and Ordinance No. 9264; and
- ▶ Accepted low bid and approved a contract with Lippert Mechanical Services Corporation in the amount of \$256,500; and authorized the Assistant County Administrator to approve change order up to 5% of the \$256,500 amount.

Motion was seconded by Gaughan and carried 3-0.

KANSAS WILDLIFE 12-14-16

Linda Craghead, Kansas Department of Wildlife and Parks, made a presentation to the Board regarding a Kansas Outdoor Center proposed for Clinton State Park.

Jeff Wise, Managing Principal at PLEI, explained the concept for the proposed sports and entertainment facility is based on a nonprofit white water center in North Carolina. The outdoor living center would promote rafting, canoeing, kayaking, hiking, climbing, zip lining and trailing running. The center would also offer food and beverages, music, a sports equipment store and a conference center. The revenue would be based on a "day visit" rate similar to ski resorts. The target market is anyone who likes to play outside. Approximately 60% of the visitors will come from a two hour drive of Lawrence, Kansas. The estimated cost for the project is \$70 million. The Center is expected to employ about 1,000 people annually, with 150 of the full-time sport professionals, facility and maintenance employees. Wise said the location makes sense. But, for the project to be successful, it will require investments outside of Lawrence.

Thellman stated it is way early in the game to give any indication of support or discouragement about the project. She would like to know the expectation

from local government on funding. Craghead said we could utilize star bonds, which are used to enhance the growth of the economy in an area. Star bonds though would require 51% of additional mixed use commercial setting in the area either in the City of Lawrence or in the unincorporated area. There is also the requirement of a third party analysis.

Thellman asked if star bonds were not an available financial tool for this project, what would be the state's financial expectation of the County and City? Would there need to be extension of City water and sewer to this site? Craghead said there is a rural water district willing to supply the water to the site.

Craghead stated this project might be the tool to help other developments in the area that have not been successful. She also said if the City and County wishes to finance the entire project through star bonds, the project would need to look at a mix-use development. This project will take significant investment upfront but it would be a win for the entire state.

Flory stated it is premature to indicate whether the Commission is ready to jump on board. Though the demographics may be good, the Board will want to hear from people in the community and rural area that use the Clinton area now.

Flory opened the item for public comment.

Mike Myers, 1312 New Hampshire, said he is an outdoor person. However, as a current user of Clinton Lake he is concerned about the disruption of the area. He can't see spending public dollars to build a concrete river in a pristine area. Myers compared the project to a NASCAR draw and suggested making the project a private development and putting it somewhere else.

Melinda Henderson, 1202 Almira Avenue, stated she also watched the presentation to the City Commission. The proposal does not mention fire and police safety and she is confused about how much star bond financing can be used for a project. It was her understanding star bonding should be less than 50% of the project cost. Also, Henderson said Clinton Lake provides our drinking water and is concerned how this project would affect that.

No action was taken.

ACCOUNTS PAYABLE 12-14-16

Gaughan moved to approve accounts payable in the amounts of \$413,669.93 paid on 10/20/16; 1,177,014.64 be paid on 10/27/16; \$423,316.81 paid on 12/08/16 and \$539,148.89 to be paid on 12/15/16. Motion was seconded by Thellman 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

December 21, 2016

Flory called the regular meeting to order at 4:00 p.m. on Wednesday, December 21, 2016 with all members present.

CONSENT AGENDA 12-21-16

Flory moved approval of the following Consent Agenda:

► Construction contract with Bryan-Ohlmeier Construction in the low bid amount of \$478,536.65 for Project No. 2015-68, replacement of Bridge No. 00.64N-05.50E, and authorized the Public Works Director to approve change orders totaling up to 10% of the contract amount.

Motion was seconded by Gaughan and carried 3-0.

Pulled from the agenda:

BUDGET AMENDMENT 12-21-16

Flory moved to open a public hearing to accept public comment to consider approval to amend the 2016 Budget. Motion was seconded by Gaughan and carried 3-0.

No comment was received. Flory moved to close the public hearing. Motion was seconded by Thellman and carried 3-0.

Gaughan moved to approve the amendment of the 2016 Budget amending the General Fund, Road and Bridge Fund, Ambulance Fund, Employee Benefits Fund and the Grants Fund. Motion was seconded by Thellman and carried 3-0.

ERP PROJECT UPDATE 12-21-16

Jamie Shew, Douglas County Clerk, updated the Board on the status of the new implemented OneSolution ERP project that brought all department financial programs into one system. This process started in 2006 with a previous Commission and has been the largest software implementation in Douglas County history. Shew thanked the department heads and recognized the following staff members as being instrumental plays in making the project a great success: Julie Clouse (Administrative Services), Julie Dahlem (Clerk's Office), Laura Glass, (Public Works), Julie Gray (Information Technology), Julie Jacob (Payroll), Stacy Kurtz and Cindy Monshizadeh (Treasurer's Office), Brooke Sauer (Budget Office), Sowjanya Seetala, Ollie Wenger, Amy Barnes,

and Beverly Gardner (Information Technology), Kim Hertach (Sheriff's Office), Marni Penrod (Clerk's Office).

ACCOUNTS PAYABLE 12-21-16

Gaughan moved to approve accounts payable in the amount of \$1,131,971.96 to be paid on 12/22/16. 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



JAMIE SHEW
DOUGLAS COUNTY CLERK
1100 Massachusetts
Lawrence, KS 66044

Marni Penrod-Chief Deputy Clerk
Heather Dill-Deputy Clerk Elections

MEMORANDUM

TO: Board of County Commissioners
FROM: Marni Penrod
DATE: December 30, 2016

RE: Signatures printed on Douglas County checks

ACTION REQUIRED: Please authorize staff to use the current signature set until the new chair is elected and the new signature set is programmed.

County Checks are "signed" as they are printed with an image of three signatures together: Commission Chair, County Clerk and County Treasurer.

After the new Chair is selected on January 11, 2017, our vendor will format the new signature into our ONESolution software. In the event that there is an unexpected delay we are asking the Board of County Commissioners to authorize the continued use of the existing signature set that has Jim Flory, Chair; Jamie Shew, Clerk and Paula Gilchrist, Treasurer.