

**May 12, 2008**

Johnson called the meeting to order at 8:30 a.m. on Monday, May 12, 2008 with all members present.

**CONSENT AGENDA 05-12-08**

McElhaney moved approval of the following Consent Agenda:

- ▶ Notice to Township Board for Clinton Marina Parking Lot Special Event to sell Cereal Malt Beverages on the remises

The motion was seconded by Johnson and carried unanimously.

**PLANNING 05-12-08**

The Board considered the approval of PP-02-02-08, a Preliminary Plat for Willow Springs Township Fire Station No. 2, located on the north side of the intersection of County Route 460 and E 1100 Road, Baldwin City. The application was submitted by the Willow Springs Trustee, for Vida & John Flory, property owners of record. Paul Patterson, Lawrence - Douglas County Metropolitan Planning Staff was present for the discussion. Staff recommends that the Board approve the vacation of portions of road right-of-way and acceptance of dedication of easements and road rights-of-way.

Johnson opened the item for public comment. No comments were received. Johnson closed the public comment.

McElhaney moved to approve PP-02-02-08, Preliminary Plat for Willow Springs Township Fire Station No. 2. with approval of vacation of portions of road right-of-way and acceptance of dedication of easements and road rights-of-way. Motion was seconded by Johnson and carried unanimously.

**PLANNING 05-12-08**

The Board considered the approval of CUP-02-01-08, a Conditional Use Permit for Willow Springs Township Fire Station No. 2, located on the north side of the intersection of County Route 460 & E 1100 Road, Baldwin City. The application was submitted by the Willow Springs Trustee, for Vida & John Flory, property owners of record. Paul Patterson, Lawrence - Douglas County Metropolitan Planning Staff was present for the discussion. Staff recommends approval of CUP-02-01-08 based on the following findings of fact:

**Zoning and Uses of properties nearby.** The current zoning is A (Agricultural). The subject property is a vacant triangular portion of the right-of-way at the southeast corner of the intersection of N 650 Road and E 1000 Road (north side of curved portion of County Route 460).

**Character of the area.** The character of the area is agricultural with rural residential.

**Suitability of subject property for the uses to which it has been restricted.** The proposed request will not alter the base Agricultural zoning district. Public uses, such as the proposed rural fire station and township seasonal road materials storage, are allowed in the A (Agricultural) district subject to approval of a Conditional Use Permit and compliance with Douglas County site plan standards.

**Length of time subject property has remained vacant a zoned.** The subject property is vacant. The Agricultural zoning has been in place since it was zoned in 1966.

**Extent to which removal of restrictions will detrimentally affect nearby property.** Approval of this request for the construction of a rural fire station will not remove any existing land use restrictions nor detrimentally affect nearby property.

**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.** Approval of the request will facilitate the Willow Springs Township Fire Station in providing improved service to customers, which will improve the health, safety and welfare in the surrounding rural area.

**Conformance with the comprehensive plan.** The proposed use is in conformance with the comprehensive plan and provides for an improvement of fire protection and response services for rural residents in the area.

McElhaney moved to approve CUP-02-01-08, a Conditional Use Permit for Willow Springs Township Fire Station No. 2. Motion was seconded by Johnson and carried unanimously.



#### **CITY STAFF BRIEFING 05-12-08**

Diane Stoddard, Assistant City Manager for the City of Lawrence, gave a briefing to the Board regarding drafts of TIF (Tax Increment Finance District) and TDD (Transportation Development District) policies and asked for comments from the County Commission. TIF districts are a redevelopment tool that enables the incremental revenues from a development to pay for public improvements associated with the development in order to help spur development. TDDs are a tool to enable the use of either special assessments or a special sales tax to be added to an area with the owner's consent to finance certain transportation infrastructure projects.

The Commissioners made the following comments:

McElhaney asked, why have it? Stoddard responded both provide good framework for decision making. The Oread Inn project brought up a lot of questions. It will give the Commission a good framework to judge projects to decide whether it is appropriate or not to use that tool. McElhaney stated concern about setting something up like a tax abatement. Stoddard stated the City does not envision the creation of a tax abatement. It would be a policy of the City Commission, but it does not create a perk.

Johnson confirmed this is not a tax abatement. But it is like one in the sense that the City's goal is to create a policy and develop standards which would then be applied to a request. Stoddard responded that the TIF is similar to an abatement policy in framework.

Jones stated his concerns and used The Oread Inn as an example. He said if its tax projections fail, the applicant has the responsibility for paying off the debt. He commented that seems like a good policy. Stoddard responded that this policy would allow either a pay-as-you-go situation in which the City is issuing no debt, no tax increment bonds associated with it as in The Oread Inn. Or, it may envision the issuance of that debt. It does allow for flexibility. Jones stated his thought is it ought to specify that the debt is the responsibility by the applicant, not by the community. The concept of benefit is ill defined. In the abatement policy the goal is to break even on costs because the value goes up and what you are expending is the additional value so there is no out-of-pocket expenditure, and ultimately you end up with something good on the tax rolls. Jones made reference to the development across from the parking garage on New Hampshire Street. The TIF was based on a sales rate that was never achieved. Stoddard replied originally when that district was put in place it envisioned some development at 9<sup>th</sup> and New Hampshire that has not transpired. Jones then commented that it should be the obligation of the applicant to explain how the package is realistic. He stated he does not see that set out in the information. There is no cost benefit analysis in this document. He would like the applicant to come in with realistic expectations and revenues, and that the TIF makes sense. The issue of benefit should be more defined. Stoddard explained that instead of getting into the statutory requirements in the documents, which are extensive, there is a specific requirement with TIF for a feasibility study. It would look at the realistic benefits and the costs. With The Oread Inn, the applicant was responsible for the cost. Jones stated he would like to see that information referenced briefly in the policy. He stated his main concerns are liability of the applicant and to have realistic numbers to base whether the benefit has been achieved. He praised the City for doing this and thinks The Oread Inn is a great project.

Johnson asked if it would only apply to infill redevelopment type of activity as opposed to a tool to be available to a developer on a new project at the outer edges of the community. He asked if it is not allowed or if it is a judgment issue that won't be approved. Stoddard stated it has to be in certain types of areas to encourage redevelopment.

Jones stated he would be most supportive of infrastructure. It might be politically smart in terms of neutralizing the opposition to mention that infill development is its primary purpose.

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

Jones asked if someone brought in an application today, who would review the

documents. Stoddard replied it is envisioned the application would be reviewed by City Staff, much like The Oread Inn project where there is some initial discussion. The statute envisions sort of an initial hearing well before a district is established to discuss a project proposal. Then there is a period of time where it comes to the school board and the County for review.

It was the consensus of the Board that they are in favor of both the TIF and TDD policies.

#### **HEALTH DEPARTMENT 05-12-08**

Dan Partridge, Director of the Lawrence-Douglas County Health Department, gave a presentation to the Board on its annual report. Issues discussed include a decrease in state funding and grants, their focus on quality improvement, each program having its own budget, and new sources of revenue to include food inspection. No action was taken.

#### **PUBLIC WORKS & WORK SESSION ITEM 05-12-08**

The Board considered adoption of a resolution to create evaluation criteria for new roads that was tabled from the April 16, 2008 meeting. Linda Finger, Planning Resource Coordinator, and Keith Browning, Direct of Public Works, were present for the discussion.

The Board discussed editorial changes and revising the table listed on page 2 of the draft resolution. Revisions included reversing Section II (Environmental & Safety Considerations) and Section III (Road Network Considerations). The Board's consensus was to require the applicant to meet all criteria under Section I (Economic Considerations) and the new Section II (Road Network Considerations) and to submit this with the road petition. The Board would then determine if review and approval of the petition should include consideration of the new Section III (Environmental & Safety Considerations). The Board would use these evaluation criteria to determine the eligibility of the road petition being of benefit to the County. Item was tabled for staff to make the revisions discussed by the Commission.

#### **EMERGENCY MANAGEMENT 05-12-08**

Teri Smith, Director of Emergency Management, brought to the Board a revised Outdoor Warning Siren Policy for discussion. Jones stated a warning system should be less about a tornado, and more about people at risk. He directed staff to make a presentation at the Wednesday, May 21, 2008 meeting and open the presentation for public comment.

#### **ACCOUNTS PAYABLE 05-12-08**

Jones moved to approve accounts payable in the amount of \$257,647.60 to be paid on 05/12/08. Motion was seconded by McElhaney and carried unanimously.

Jones moved to adjourn the meeting; Johnson seconded and the motion carried.

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Bob Johnson, Chairman

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Jere McElhaney, Vice Chair

ATTEST:

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Jamie Shew, County Clerk

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Charles Jones, Member