

June 1, 2011

Flory called the regular session meeting to order at 6:35 p.m. on Wednesday, June 1, 2011 with all members present.

MINUTES 06-01-11

Thellman moved to approve the minutes of March 30, April 6, April 20 and May 4, 2011(as amended). Motion was seconded by Gaughan and carried 3-0.

CONSENT AGENDA 06-01-11

Flory moved approval of the following Consent Agenda:

- ▶ Lease Agreement between Douglas County and United Way of Douglas County for extension of lease for the Valleyview Building. The term of the lease commences September 10, 2011 and expires at 11:59 p.m. on December 31, 2026;
- ▶ Resolution 11-14 granting a Cereal Malt Beverage License for Clinton Marina Parking Lot Special Event on June 18, 2011 at 1329 E 800 Road;
- ▶ Midwest Mayhem Triathlon to be held July 17, 2011 at Lone Star Lake and marina; and
- ▶ Resolution 11-17 directing notice of a public hearing to be held on June 15, 2011 to discuss establishing an alternate methodology for disposal of certain Douglas County Property at located south of Lone Star.

Motion was seconded by Gaughan and carried 3-0

PUBLIC WORKS 06-01-11

Thellman moved to approve Resolution 11-19 providing for the establishment of the Douglas County Heritage Conservation Council; prescribing the purpose, composition, powers, and duties of the Heritage Conservation Council. Motion was seconded by Flory and carried 3-0.

PUBLIC HEARING/YANKEE TANK 06-01-11

Flory moved to open a public hearing to consider creating a community improvement district in the vicinity of Yankee Tank Dam, to contribute to financing the costs of rehabilitating Yankee Tank Dam to bring the structure into compliance with state and federal safety regulations. Motion was seconded by Thellman can carried 3-0.

No public comment was received. Flory closed public hearing.

Flory moved to approve Resolution 11-16 relating to and amending a regulated Planning and Zoning Classification within the unincorporated territory of Douglas County, Kansas; changing the zoning classification from "A" (Agricultural District) to "B-2" (General Business District) for the property described on a recorded subdivision plat as Lot 1 Rockwall Farms Addition. Motion was seconded by Gaughan and carried 3-0.

ZONING & CODES 06-01-11

The Board considered the approval of a resolution amending a Planning and Zoning Classification from "A-1" suburban Home District to "I-1" Limited Industrial District for VINLAND AIRZONE 2nd Plat, Lot 1, Block 1. Keith Dabney, Director of Zoning & Codes, presented the item.

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

Gaughan moved to approve Resolution 11-15 relating to and amending a regulated Planning and Zoning Classification within the unincorporated territory of Douglas County, Kansas; changing the zoning classification from "A" (Agricultural District) to "I-2" (Limited Industrial District) for the property described on a recorded subdivision plat as VINLAND AIRZONE 2nd Plat Lot 1, Block 1. Motion was seconded by Thellman and carried 3-0.

PLANNING/NORTHEAST SECTOR PLAN 06-01-11

The Board continued discussion from the May 11, 2011 meeting, to consider approving Comprehensive Plan Amendment, CPA-6-5-09, to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan and adopt joint Ordinance No. 8591/Resolution for Comprehensive Plan Amendment (CPA-6-5-09) amending Horizon 2020 - Chapter 14 to include the Northeast Sector Plan. (PC Item 4; approved 5-4 on 9/20/10)

Flory reopened the item for continued public discussion.

Roger Pine, 20758 Golden Road, stated he is in support of Option 1 as is 70% of the landowners in the northeast area. Most of these landowners sent in support letters showing support for Option 1.

Matt Eichman, 512 Ohio Street, said he feels the language in this plan puts an undue focus on just the soils and there are other natural resources the County should be considered. His right to open a sand plant can be effected by only the preservation of class 1 and 2 soils.

Hank Booth, Lawrence Chamber, stated he feels what he watched transpire from the many preceding NE Sector Plan meetings was a compromise. He feels the area is a prime location for Class 1 and 2 soils, but it is also prime location for business due to highway development, rail and air in one particular location.

Jerry Jost, 2007 E 1600 Road, stated there's a reason why Lawrence has not grown north and it's because of storm water and flooding issues. He questioned at what point in development will cause the need for Highway 24/40 to be raised and how it will be paid for.

Lori McMinn, 500 Mississippi Street, stated she feels we should prioritize our resources. Just because you can grow in lower class soils doesn't mean it is ideal.

Pat Ross, 1616 N 1700 Road, stated he farms about 3400 acres in Grant Township growing corn, soybeans and vegetables and a large portion of that is owned by people that support the plan proposed by the Planning Commission. He supports Option 1 and feels it represents the largest number of landowners north of Lawrence.

Ted Boyle, North Lawrence Improvement Association, said there are 1500 homes and businesses in North Lawrence which are major stakeholders in this event. Storm water coming from the north affects residents from the 100 or more homes built in last 15 years, which has taken up the natural storm drainage system.

Frank Male, 861 N 2100 Rd, asked the Board to approve the plan supported by the Planning Commission.

Dorothy Congrove, 1829 E 1700 Road, stated she feels the 120 acres of land, as described in the proposed NE Sector Plan, should be set aside for future industrial use. The County has potential loss if the industrial is not located on the map.

Barbara Clark, 2050 E 1550 Road, stated a mark on the map is a siren call for development. It will draw people in. The premise of development in that area, industrial development in the Northeast Sector, is faulty.

Rich Bireta, 2010 E 1600 Road, said he thinks this is a really good Sector Plan. He asked the County Commission, on behalf of the Grant Township Board, to pass the NE Sector Plan regardless of whatever decision the Board makes on the designation of the land south of the airport.

Lew Phillips, 2000 Crossgate Drive, stated he feels there is a problem of drainage in North Lawrence whether we industrialize or not. He is concerned that even a small amount of development would be impact runoff.

There was discussion with staff to clarify the location criteria for industrial development, the amount of acres already zoned for development in Douglas County, the life span of the sector plan, the costs associated with correcting flooding issues and having the property owners take more responsibility in improvements.

Gaughan stated he doesn't feel the NE Sector Plan passes the common sense test to move forward; at least he stated he can't move forward in good conscience. Arguments on both sides make a lot of sense but there is a public investment that is required before we even get this point. Gaughan feels the property should be kept in agriculture until some of questions are addressed. He is sure our engineers can come up with solutions to some of these problems but it will cost serious amounts of money. Gaughan stated he can't move forward with something that doesn't make sense financially for this community. The level of investment we are going to be asked to make is undefined. Gaughan commented that the perpetuation of a snowflake should really be an asterisk saying "don't develop here, we can't afford it."

Flory stated we're putting the cart before the horse. This is a sector plan. We've done two sector plans since we've been on the Commission. He said never before have we tried to get into such minute detail on uses and water flow. A sector plan is a statement saying that this land conceivably could be used for this purpose. If we say that, then the option Commissioner Gaughan is concerned about with financing all gets worked out in the process if and when it ever gets developed. This is a signal that this is an area that based upon the general locational criteria is appropriate for industrial. Flory stated that we aren't rezoning it, we aren't approving a site plan, and we aren't approving a storm water management system for it. This is just a general statement. He said he doesn't see how the Board can ignore 70% of the people that own the property. We passed an environmental chapter that affected the whole County and every property owner in the County after two hours of public comment and zero discussion by the Commission, and we're going to send this back for more discussion, more meetings, more disputes. He said he doesn't understand what level of certainty the other Commissioners want on how much something is going to cost at a sector plan level. We haven't had any cost assessments on any sector plans. He stated he assumes we are getting into this discussion now because of a group that is very emphatically concerned about the preservation of Class 1 and 2 soils. He stated he understands the concerns but will not apologize for keeping government protectionism from telling landowners what they can or cannot do with their property. Flory questioned how much government we need. People should have the option of industrial available to them. Flory said the City of Lawrence or the County doesn't have to spend one dime if we don't want to.

Thellman stated with this plan we are encouraging and enticing an industrial employment center in the very area that prompted previous commissions to order the North Lawrence Drainage Study to be performed, which found \$16 million in flood infrastructure needs within the community of North Lawrence and then \$25 million in improvements for modest development on the watershed. Thellman stated they were working from a different land use map but it didn't represent an industrial complex at Midland Bend. She feels it would be irresponsible to ignore that this is a

historically, disastrously flooding area. One of the basic duties of government is public safety and stewardship of public tax dollars. Thellman said yes, you have dozens of landowners that represent thousands of acres and you have one voice here representing 2500 people in North Lawrence. Although we are only hearing one voice, it is incumbent on us, this being her district, the community of North Lawrence is the most vulnerable population in this whole conversation. She feels it is not out of line to be concerned about the public safety issue of enticing development that will make flooding even more likely, requiring at extraordinary public cost to try to prevent it. It's a real risk and a real danger. Thellman stated since she's been on this commission she has seen the industrial zoning of nearly 1000 new acres not in the flood plain.

Flory stated he doesn't like the inference that since he is willing to approve this plan, he doesn't care about public safety. Flory stated, "Of course I do." This document doesn't authorize anything. It doesn't authorize anyone to turnover a shovel of dirt. When it got to the point where someone has a development request, he concurs, all of the challenges would have to be overcome before moving forward. Flory added, "This document does not endanger public safety. If it did, I wouldn't vote for it. It doesn't put the 2500 residents in North Lawrence in danger of flooding, if so, I wouldn't vote for it."

Gaughan said this is a big unidentified expense to the local government, to the City and the County. What is at stake is spending between zero and \$40 million on improving drainage among other things. Flory replied that is true, zero to \$40 million because we don't know.

After further discussion, Gaughan moved to send the Northeast Sector Plan back to the Planning Commission for further discussion and the Board will give direction to staff at a later date. Motion was seconded by Thellman and carried 2-1 with Flory in opposition.

ACCOUNTS PAYABLE 06-01-11

Flory moved approval of accounts payable in the amounts of \$249,306.34 paid on 05/26/11 and \$104,445.31 to be paid on 06/02/11; a manual check in the amount of \$10,000.00 paid on 05/27/11; and a wire transfer in the amount of \$400,000.00 paid on 05/27/11. Motion was seconded by Gaughan and carried 3-0.

APPOINTMENT 06-01-11

Gaughan moved to appoint David Clay Britton, Lawrence, as a County Representative to the Lawrence-Douglas County Metropolitan Planning Commission for a term of three years to expire in May 2014. Britton will replace Stanley Rasmussen. Motion was seconded by Thellman and carried 2-1 with Flory in opposition.

APPOINTMENT 06-01-11

Thellman moved to appoint Pennie von Achen, Eudora, as a County Representative to the Lawrence-Douglas County Metropolitan Planning Commission for a term of three years to expire in May 2014. Von Archen will replace Charles Dominguez. Motion was seconded by Gaughan and carried 2-1 with Flory in opposition.

APPOINTMENT 06-01-11

Thellman moved to appoint the following people to the Heritage Conservation Council: Larry McElwain and Paul Bahnmaier for one-year terms to expire 05/31/12; Shelley Hickman Clark and Julia Mangliz for two-year terms to expire 05/31/13; and Ken Grotewiel, Dr. John Bradley and Gary Price to three-year terms to expire 05/31/14. Motion was seconded by Flory and carried 3-0.

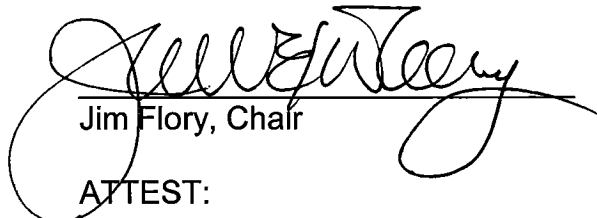
APPOINTMENT 06-01-11

Thellman moved appoint Barbara Higgins Dover to the Grant Township Treasurer position effective July 31, 2011, filling the remaining term of Jerry Jost. Motion was seconded by Flory and carried 3-0.

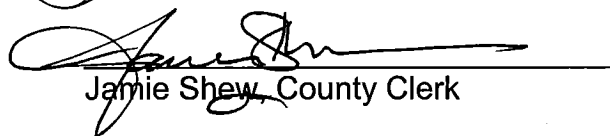
APPOINTMENT 06-01-11

Flory moved reappoint Bob Newton to the Douglas County Emergency Management Board for a one-year term. Motion was second by Thellman and carried 3-0.

Flory moved to adjourn the meeting; Thellman seconded and the motion carried 3-0.


Jim Flory, Chair

ATTEST:


Jamie Shew, County Clerk


Mike Gaughan, Vice Chair


Nancy Thellman, Member