

Members of the public wishing to speak during Public Comment or on Items of Business must register with the County Clerk prior to the beginning of the meeting.

AGENDA

BOARD OF FRANKLIN COUNTY COMMISSIONERS Wednesday, May 11, 2016 | 8:30 a.m.

TO BE HELD IN THE ANNEX COMMISSION CHAMBERS

A. CALL TO ORDER

B. ROLL CALL:

Waymire Howard Dunn Harris Renoud

C. PLEDGE OF ALLEGIANCE

D. INVOCATION:

1. Invocation Led By Rev. Craig Robertson, First Christian Church, Ottawa.

E. CORRESPONDENCE & ORGANIZATIONAL BUSINESS

F. PUBLIC COMMENT:

A citizen desiring to speak on an item not on the agenda may do so at this time. Discussion is limited to five minutes and the Commission will not take action or discuss items at this time. Discussion should be limited to matters of County Commission business and public comment is not permitted in regard to personnel matters or on pending legal matters. Items introduced under '**Public Comment**' may become agenda items at a later date.

G. CONSENT AGENDA:

Items listed on the '**Consent Agenda**' are considered routine and shall be enacted by one motion of the Board of Commissioners with no separate discussion. If separate discussion is desired by a member of the Governing Body, that item may be removed from the '**Consent Agenda**' and placed on the regular agenda '**Items of Business.**'

1. Consider And Approve Franklin County Minutes For May 4, 2016.
2. Consider And Approve Claim Vouchers And Tax Change Orders.

H. ITEMS OF BUSINESS:

1. Approval Of Rezoning Application #1603-1386 (White) To Rezone Approximately 12.37 Acres From An A-1 (Agriculture) Zoning District To

An R-E (Residential Estate) Zoning District. Larry Walrod, Planning & Building Director

Documents:

[05112016_1603-1386 white rezoning.pdf](#)

2. Approval Of Rezoning Application #1603-1388 (White) To Rezone Approximately 3.29 Acres From A-1 (Agriculture) Zoning District To An R-E (Residential Estate) Zoning District And To Rezone Approximately 1.7 Acres From An R-3A (Single Family Residential Three Acre) Zoning District To An R-E (Residential Estate) Zoning District. Larry Walrod, Planning & Building Director

Documents:

[05112016_1603-1388 white rezoning.pdf](#)

3. Consideration Of Approval Of Contract Between Franklin County And KDHE For The Corrective Action Of The Illegal Dump Site At 2926 Allen Terrace. Larry Walrod, Planning & Building Director

Documents:

[05112016_contract for reeder clean-up.pdf](#)

I. STAFF REPORTS

J. COMMISSIONER COMMENTS AND BOARD REPORTS

K. CONSIDER A MOTION FOR ADJOURNMENT

L. INFORMATION AND ANNOUNCEMENTS:

1. UpComing Events

- Commission Study Session on May 16, 2016 at 8:30 A.M.
- Commission Meeting on May 18, 2016 at 8:30 A.M.
- Joint City/County/School Board Luncheon on May 18, 2016 at City Hall.
- Commission Meeting on May 25, 2016 at 8:30 A.M.
- County Office Closed on May 30, 2016 in Observance of Memorial Day.
- Commission Meeting on June 1, 2016 at 8:30 A.M.
- Commission Meeting on June 8, 2016 at 8:30 A.M.
- Commission Study Session on June 13, 2016 at 8:30 A.M.
- Commission Meeting on June 15, 2016 at 8:30 A.M.
- Joint City/County/School Board Luncheon on June 15, 2016 at Franklin County Commission Chambers at Noon.

Franklin County Agenda Cover Sheet



To: Franklin County Board of County Commissioners
From: Larry D. Walrod *L.D.W.*
Department: Planning & Building
Date: Wednesday, May 11, 2016

AGENDA ITEM NARRATIVE

Approval of Rezoning Application #1603-1386 (White) to rezone approximately 12.37 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District.

BACKGROUND

The applicant is requesting to rezone approximately 12.37 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District. The property is located at the intersection of Hamilton Road and Tennessee Road, on the South side of Hamilton Road and on the West side of Tennessee Road.

The purpose for the rezoning is to permit the division of 12.37 acres from the approximately 160.00 acres, with an existing residence and outbuildings, in order for the property owner to sell the existing residence. The applicant would retain the remaining 147.63 acres.

The Planning Commission recommended approval of rezoning application #1603-1386 (White) to rezone approximately 12.37 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District.

SPECIFIC ACTION REQUESTED

Staff recommends that the County Commissioners accept the Planning Commission's recommendation and adopt the attached resolution for the approval of Rezoning Application #1603-1386 (White) to rezone approximately 12.37 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District and to amend the Official Zoning Map accordingly.

ATTACHMENTS

Aerial photos (2)
Survey
Resolution

TAX 092
TAX 090

2.01
19.6 - Ac(c)

2
19.7 Ac(c)

2.03
39.8 Ac(c)

3
278.2 Ac(c)

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4
13.8 Ac(c)

3
10.8 Ac(c)

3
10.8 Ac(c)

3
10.8 Ac(c)

3.04
10.9 Ac(c)

2
80.3 Ac(c)

1
189.1 Ac(c)

6
158.1 Ac(c)

7
77.9 Ac(c)

5
10.9 Ac(c)

191

11
11.2

HAMILTON ROAD #506

159.1 Ac(c)

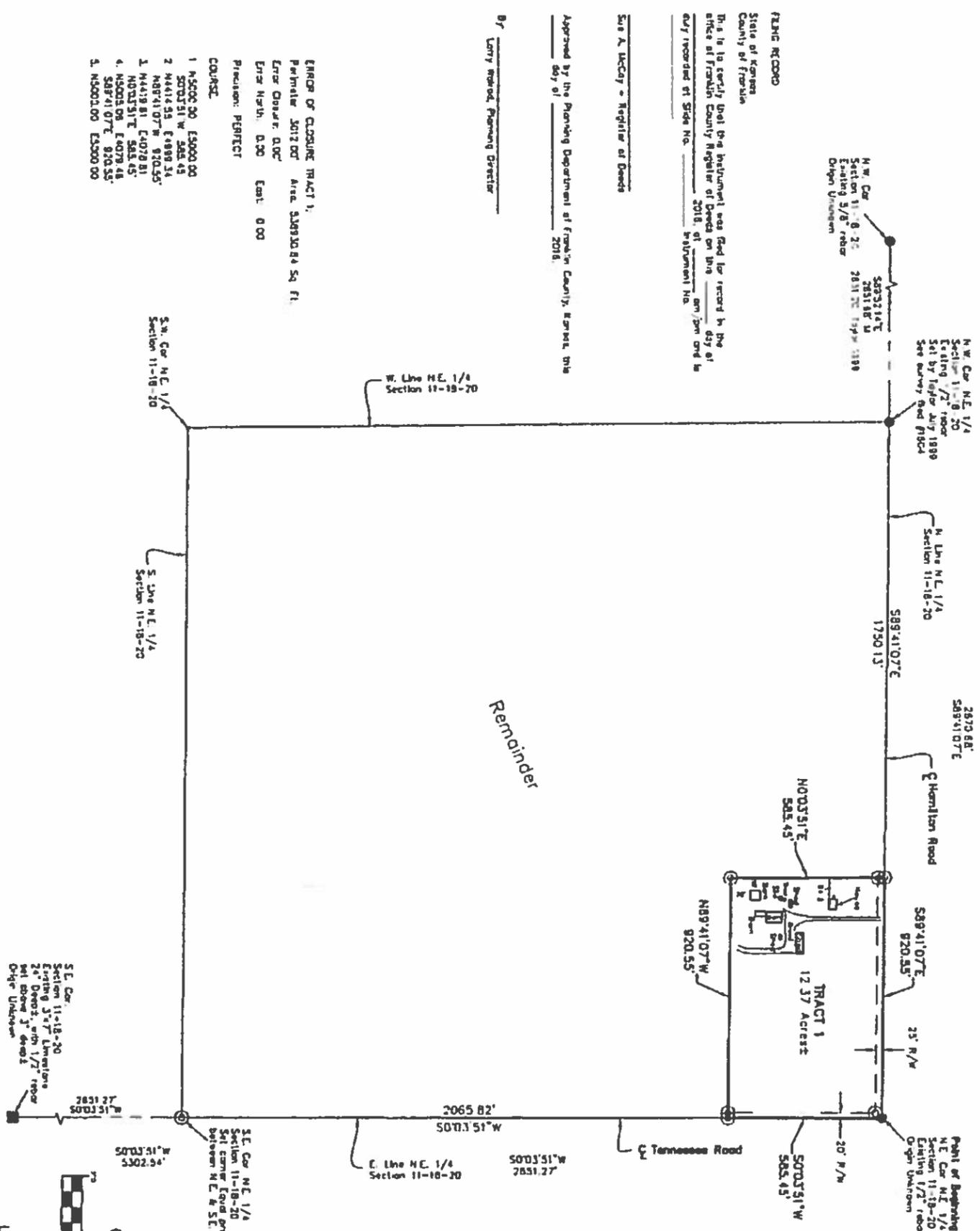
ESSIE ROAD #1055

11

12



TRACT SPLIT



ORIGINAL LEGAL DESCRIPTION: Tract 1, N.E. 1/4 of Sec. 11, Twp. 18 S., R. 20 E., Containing 160 Acres, More or Less, Franklin County, Kansas.

NEW DESCRIPTION: Tract 1, that part of the Northwest Quarter of Section 11, Township 18 South, Range 20 East, Franklin County, Kansas, described as follows: Beginning at the Northwest corner of the Northwest Quarter of said Section 11; thence S070.51°W, along the East line of said Northwest Quarter, a distance of 585.45 feet; thence N89°41'07"W, parallel to the North line of said Northwest Quarter, a distance of 920.55 feet; thence N070.51°E, parallel to the East line of said Northwest Quarter, a distance of 585.45 feet, to a point on the North line of said Northwest Quarter; thence S89°41'07"E, along said North line, a distance of 920.55 feet, to the point of Beginning, containing 12.37 Acres, more or less, subject to any part thereof in roads.

FILED RECORD
State of Kansas
County of Franklin

This is to certify that the instrument was read for record in the office of Franklin County Register of Deeds on this _____ day of _____, 2018, at _____ on _____ and is duly recorded at Side No. _____ Instrument No. _____

Sue A. McCoy - Register of Deeds

Approved by the Planning Department of Franklin County, Kansas, this _____ day of _____, 2018.

By: Larry Howard, Planning Director

ERROR OF CLOSURE TRACT 1:
Perimeter 2012.00' Area 2,089,30.84 Sq Ft
Error Closure: 0.00' East: 0.00'
Error North: 0.00' East: 0.00'
Precision: PERFECT

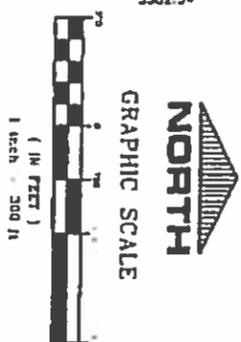
COUNT:
1 N5000.00 E5000.00
S070.51°W 585.45'
2 N4414.55 E1889.34'
N89°41'07"W 920.55'
1 N4419.81 E1079.81'
N070.51°E 585.45'
4 N5005.08 E4079.48'
S89°41'07"E 920.55'
5 N5002.00 E5000.00

LAND SURVEYOR'S PLAT AND INFORMATION SHOW HEREON IS BASED UPON FIELD SURVEY INFORMATION AND IS NOT TO BE CONSIDERED AS A GUARANTEE OF ACCURACY BY SURVEYOR AS OF DATE OF SURVEY 7-25-2018

THIS SURVEY HAS BEEN REVIEWED AND APPROVED FOR RECORD PURSUANT TO THE REQUIREMENTS OF K.S.A. 17-1-101 AND IS IN COMPLIANCE WITH THIS ACT AND OTHER STATUTES AND ORDINANCES OF THIS STATE.



DATE 3-1-18



LEGEND

- MONUMENT FOUND AS DESCRIBED
- MONUMENT FOUND AS DESCRIBED
- SET 3" x 3" REBAR WITH PLASTIC KS CLS 93 CAP
- P.C. NAIL & SHIRT SET
- (M) VERTICAL BEARING ON DISTANCE
- (C) CALCULATED BEARING ON DISTANCE
- (R/W) ROAD RIGHT OF WAY

TRACT SPLIT

N.E. 1/4 SECTION 11-18-20
FRANKLIN COUNTY, KANSAS

AD
DIVISION OF ENGINEERS
LAND SURVEYORS - LAND PLANNERS

122 N. WATER STREET
OLAH, KANSAS 66051
PHONE: (913) 764-1070 FAX: (913) 764-8633
WWW.ADLANDSURVEYORS.COM

DATE 2/24/2018 DRAWN BY: DLK PLOT: 11-18-20

**BOARD OF COUNTY COMMISSIONERS
OF
FRANKLIN COUNTY, KANSAS**

RESOLUTION NO. 16- _____

**A RESOLUTION AMENDING THE
OFFICIAL ZONING DISTRICT MAP OF FRANKLIN COUNTY, KANSAS**

WHEREAS, the Franklin County Planning Commission of Franklin County, Kansas, received an application for a Zone Change from Jodi White to rezone approximately 12.37 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District. The property described below lies outside any incorporated city and is described as follows:

New Tract:

All that part of the Northeast Quarter of Section 11, Township 18 South, Range 20 East, Franklin County, Kansas, described as follows: Beginning at the Northeast Corner of the Northeast Quarter of said Section 11; THENCE South 00 degrees 03 minutes 51 seconds West along the East line of said Northeast Quarter a distance of 585.45 feet; THENCE North 89 degrees 41 minutes 07 seconds West parallel to the North line of said Northeast Quarter a distance of 920.55 feet; THENCE North 00 degrees 03 minutes 51 seconds East, parallel to the East line of said Northeast Quarter a distance of 585.45 feet to a point on the North line of said Northeast Quarter; THENCE South 89 degrees 41 minutes 07 seconds East along said North line a distance of 920.55 feet, to the Point of Beginning, containing 12.37 acres, more or less. Subject to any part thereof in roads.

WHEREAS, pursuant to K.S.A. 12-757(b), the Franklin County Planning Commission has published in the official county newspaper on the 24th day of March, 2016, notice of public hearing for said Zoning Change Request; and

WHEREAS, pursuant to K.S.A. 12-757(b), the Franklin County Planning Commission held a public hearing on April 21st, 2016 regarding said Zoning Change Request; and

WHEREAS, the Franklin County Planning Commission, on April 21st, 2016 in regular session and by a unanimous vote of those members present, approved said Zoning Change request based upon certain findings of fact, whereby recommending that the Official Zoning District Map of Franklin County, Kansas be amended; and

WHEREAS, the Franklin County Board of County Commissioners, after duly reviewing the recommendation of the Planning Commission and considering all public comments and concerns regarding said Zoning Change, find that the rezoning of said property would not be detrimental to the surrounding properties and would be in compliance with the provisions of K.S.A. 12-753, the purpose and intent of the Franklin County Comprehensive Plan and the general welfare of the citizens of Franklin County.

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of County Commissioners does hereby approve the rezoning of the above described tract of land from an "A-1" Agriculture District to an "R-E" Residential Estate District and that the Official Zoning District Map of Franklin County, Kansas be amended to reflect the approved zoning change.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 11th day of May, 2016. This action shall become effective upon publication in the official county newspaper.

Richard A. Howard
Chairman

Received and recorded this the 11th day of May, 2016.

Janet Paddock
County Clerk

Franklin County Agenda Cover Sheet



To: Franklin County Board of County Commissioners
From: Larry D. Walrod *LDW*
Department: Planning & Building
Date: Wednesday, May 11, 2016

AGENDA ITEM NARRATIVE

Approval of Rezoning Application #1603-1388 (White) to rezone approximately 3.29 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District and to rezone approximately 1.7 acres from an R-3A (Single Family Residential Three Acre) Zoning District to an R-E (Residential Estate) Zoning District.

BACKGROUND

The applicant is requesting to rezone approximately 3.29 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District and to rezone approximately 1.7 acres from an R-3A (Single Family Residential Three Acre) Zoning District to an R-E (Residential Estate) Zoning District. The property is located at the intersection of John Brown Road and Oregon Road, on the North side of John Brown Road and on the West side of Oregon Road.

The purpose for the rezoning is to allow the applicant to merge 3.29 acres with an existing 1.7 acre, which has an existing residence, in order to create a 5.00 acre tract to be sold.

The existing residence is already served with on-site water and sanitation.

The Planning Commission recommended approval of rezoning application #1603-1388 rezone approximately 3.29 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District and to rezone approximately 1.7 acres from an R-3A (Single Family Residential Three Acre) Zoning District to an R-E (Residential Estate) Zoning District.

SPECIFIC ACTION REQUESTED

Staff recommends that the County Commissioners accept the Planning Commission's recommendation and adopt the attached resolution for the approval of Rezoning Application #1603-1388 (White) rezoning approximately 3.29 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District and to rezone approximately 1.7 acres from an R-3A (Single Family Residential Three Acre) Zoning District to an R-E (Residential Estate) Zoning District and to amend the Official Zoning Map accordingly.

ATTACHMENTS

Aerial photos (2)
Survey
Resolution



324.9 Ac(c)

71.5 Ac(c)

160.8 Ac(c)

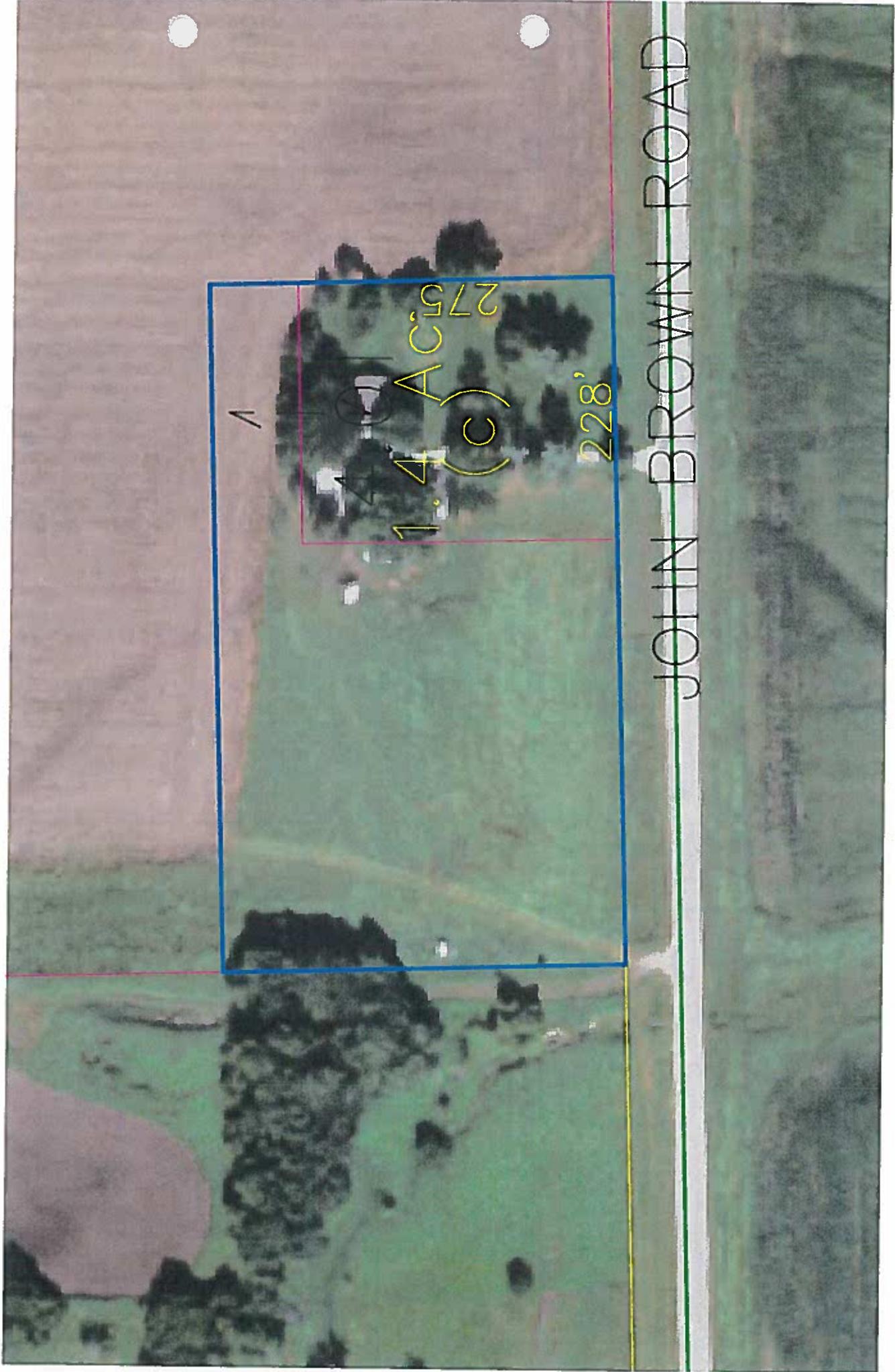
81.1 Ac(c)

280.5 Ac(c)

4.02 Ac(c)

4.1 Ac(c)

1.92



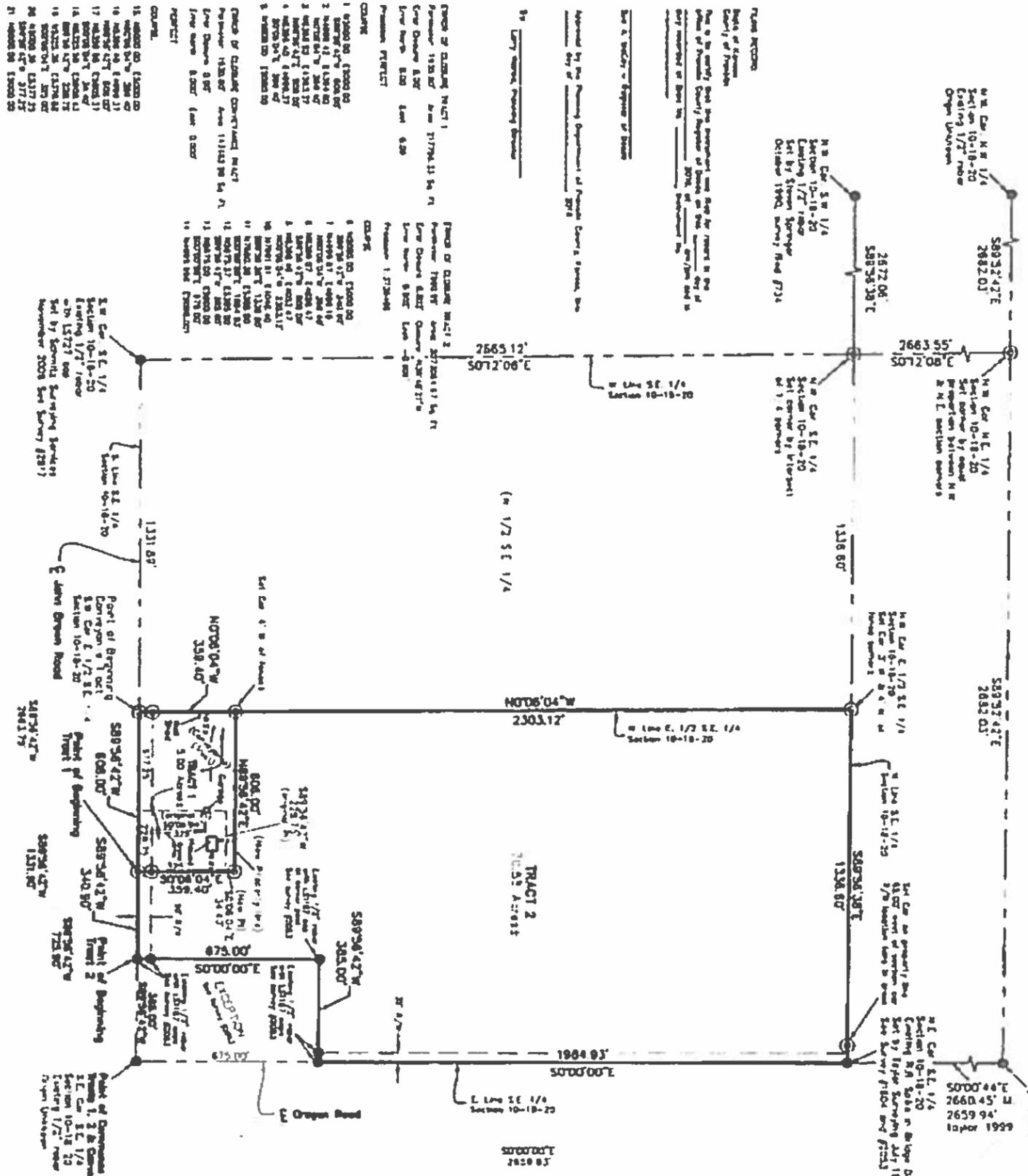
V

1.4 AC (C)
275'

228'

JOHN BROWN ROAD

BOUNDARY LINE ADJUSTMENT



PLANS RECORDS
Books of Kansas
County of Franklin

Map to be verified that the monument and data are correct in the
Plan of Franklin County Register of Deeds, Book 10-18-20, Page 20
and recorded in Book 10-18-20, Page 20, Franklin County, Kansas.

See a sketch - Appendix of Plans

Approved by the Planning Department of Franklin County, Kansas, Inc.
By: _____ Date: _____

By: _____ Planning Engineer

GROUP OF CLUSTER TRACT 1
Plat No. 11231-21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 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2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188,

**BOARD OF COUNTY COMMISSIONERS
OF
FRANKLIN COUNTY, KANSAS**

RESOLUTION NO. 16- _____

**A RESOLUTION AMENDING THE
OFFICIAL ZONING DISTRICT MAP OF FRANKLIN COUNTY, KANSAS**

WHEREAS, the Franklin County Planning Commission of Franklin County, Kansas, received an application for a Zone Change from Jeff and Jodi White to rezone approximately 3.29 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District and to rezone approximately 1.7 acres from an R-3A (Single Family Residential Three Acre) Zoning District to an R-E (Residential Estate) Zoning District. The property described below lies outside any incorporated city and is described as follows:

Tract 1:

All that part of the East Half of the Southeast Quarter of Section 10, Township 18 South, Range 20 East, Franklin County Kansas described as follows: Commencing at the Southeast Corner of the Southeast Quarter of said Section 10; THENCE South 89 degrees 56 minutes 12 seconds West along the South line of said Southeast Quarter a distance of 1331.90 feet, to the Southwest Corner of the East Half of the Southeast Quarter of said Section 10, also being the Point of Beginning; THENCE North 00 degrees 06 minutes 04 seconds West along the West line of the East Half of the Southeast Quarter a distance of 359.40 feet; THENCE North 89 degrees 56 minutes 12 seconds East, parallel to the South line of said Southeast Quarter a distance of 606.00 feet; THENCE South 00 degrees 06 minutes 04 seconds East parallel to the West line of the East Half of said Southeast Quarter a distance of 34.40 feet; THENCE South 89 degrees 56 minutes 12 seconds West a distance of 228.75 feet; THENCE South 00 degrees 06 minutes 04 seconds East a distance of 325.00 feet to a point on the South line of said Southeast Quarter; THENCE South 89 degrees 56 minutes 12 seconds West along said South line a distance of 377.25 feet to the Point of Beginning, containing 3.29 acres, more or less, subject to any part thereof in roads.

Tract 2:

Beginning at a point 377 feet 3 inches East of the Southwest Corner of the East Half of the Southeast Quarter of Section 10, Township 18 South, Range 20 East; THENCE North 325 feet; THENCE East 228 feet 9 inches; THENCE South 325 feet; THENCE West 228 feet 9 inches to the place of beginning, containing 1.7 acres, more or less, Franklin County Kansas.

WHEREAS, pursuant to K.S.A. 12-757(b), the Franklin County Planning Commission has published in the official county newspaper on the 24th day of March, 2016, notice of public hearing for said Zoning Change Request; and

WHEREAS, pursuant to K.S.A. 12-757(b), the Franklin County Planning Commission held a public hearing on April 21st, 2016 regarding said Zoning Change Request; and

WHEREAS, the Franklin County Planning Commission, on April 21st, 2016 in regular session and by a unanimous vote of those members present, approved said Zoning Change request based upon certain findings of fact, whereby recommending that the Official Zoning District Map of Franklin County, Kansas be amended; and

WHEREAS, the Franklin County Board of County Commissioners, after duly reviewing the recommendation of the Planning Commission and considering all public comments and concerns regarding said Zoning Change, find that the rezoning of said property would not be detrimental to the surrounding properties and would be in compliance with the provisions of K.S.A. 12-753, the purpose and intent of the Franklin County Comprehensive Plan and the general welfare of the citizens of Franklin County.

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of County Commissioners does hereby approve the rezoning of the above described tract of land from an "A-1" Agriculture District to an "R-E" Residential Estate District and from an "R-3A" Single Family Residential Three Acre District to an "R-E" Residential Estate District and that the Official Zoning District Map of Franklin County, Kansas be amended to reflect the approved zoning change.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 11th day of May, 2016. This action shall become effective upon publication in the official county newspaper.

Richard A. Howard
Chairman

Received and recorded this the 11th day of May, 2016

Janet Paddock
County Clerk

FRANKLIN COUNTY

To:	Franklin County	Reviewed:	
	Board Of County Commissioners		
From:	Larry D. Walrod <i>LW</i>	Extension:	3571
	Planning & Building Dept.		
Date:	Wednesday, May 11, 2016	No.	

ITEM:

Contract between Franklin County and KDHE for the corrective action of the illegal dump site at 2926 Allen Terrace.

BACKGROUND:

Beginning in March 2012, the County has notified Mr. Reeder, owner of the property located at 2926 Allen Terrace, that there were numerous unlicensed/inoperable vehicles, used tires, used construction waste, salvage materials and household waste being stored at the site in Violation of the Franklin County Zoning Regulations (see notice dated March 19, 2012).

During the past four (4) years some effort has been made from time to time to bring the site into compliance with the County requirements only to have the site cluttered again with more storage of similar materials as previously noted.

During the past two (2) years, Mr. Reeder has been notified numerous times of this continuing violation and to date there has been no progress to remove the vehicles and other materials.

On March 31, 2016 I met with Bob Medina, Bureau of Waste Management with the Kansas Department of Health and Environment, and after reviewing the site he suggested that the County pursue an "Illegal Dump Site Cleanup Grant".

At their meeting of April 13th, 2016, the Board of County Commissioners authorized Staff to submit a Grant Request for an Illegal Dump Site Clean-up through the Kansas Department of Health and Environment Solid Waste Division.

Staff has received notice from Mr. Medina that the site noted above is eligible for grant funding and he has submitted a contract for the grant.

RECOMMENDATION:

Staff recommends the Board of County Commissioners authorize the Chair to sign the contract between Franklin County and the Kansas Department of Health and Environment to receive approximately \$10,000 to aid in the clean-up of 2926 Allen Terrace.

ATTACHMENTS:

Letter from Medina
Contract

Bureau of Waste Management
Curtis State Office Building
1000 SW Jackson St., Suite 320
Topeka, KS 66612-1366



Phone: 785-296-1600
Fax: 785-296-1592 or 785-296-8909
bwmweb@kdheks.gov
www.kdheks.gov/waste

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

May 5, 2016

Larry D. Walrod
Franklin County Zoning & Planning
1428 S. Main, Suite 5
Ottawa, KS 66067-3547

RE: Illegal Dump Site
2926 Allen Road

Dear Larry:

The Kansas Department of Health & Environment (KDHE) has received the Illegal Dump Notification and Information Form concerning the site in your area. Your site is eligible for funding from the Illegal Dump Program. A work plan is normally sent in with the signed contracts but you may send in the contracts without the work plan at this time. A Letter of Warning (LOW) will be sent first and then if no action is taken by owner then an Administrative Order will be processed with our legal department and the owner should be issued the Order.

I have the contracts and an example of the workplan included in my email to you. Please have the contracts signed and send back to me. You do not have to include the workplan at this time. We will work this together while the LOW and Administrative Order run their course.

Please have contracts sent back to KDHE by June 5, 2016. KDHE appreciates your cooperation in this regard. If you have any question concerning the work plan please call me at: 785-296-6617 [M-F 7-4].

Sincerely,

Bob Medina, Environmental Specialist
Waste Reduction, Compliance & Enforcement
Bureau of Waste Management

Ec:

Bill Bider
Ken Powell
Jennifer Hackman, Legal
Julie Coleman, DEA, NEDO
Brian D'Alfonso, BEFS

CONTRACT

Between

THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
And
Franklin County

SUBJECT: Corrective action at Illegal Dump Site #1

DIVISION: Bureau of Waste Management

CONTRACT

PERIOD: May 4, 2016 to April 30, 2017

AMOUNT: Estimated \$10,000.00 not to exceed \$10,000.00

This agreement between the Kansas Department of Health and Environment (hereinafter KDHE) and Franklin County takes effect upon signature of the Secretary of the Kansas Department of Health and Environment.

The relevant property with a address as follows: 2926 Allen Road, in Franklin County, Kansas; is an illegal solid waste dumping area pursuant to K.S.A. 65-3415(a). A Fire caused this area to become an illegal solid waste dumping site. The property is currently owned by Kelly L. Reeder. Franklin County has agreed to administer the contract.

K.S.A. 65-3415a(c)(12) authorizes the secretary of KDHE to pay for seventy-five percent (75%) up to a maximum of ten thousand dollars (\$10,000) of the costs of removal and disposal or stabilization of solid waste from the site of illegal dumping activity, if the city or county of jurisdiction consents.

K.S.A. 65-3415a(d) requires that the person(s) responsible for the illegal solid waste dumping activity at the subject site, whose failure to comply with the solid waste act, rules and regulations or permit conditions resulted in the determination that expenditures from the solid waste fund are necessary, are responsible for repayment of those funds. The secretary shall, in his discretion, take the appropriate action to recover those funds.

The secretary has determined that the above site is an illegal solid waste dumping site which requires authorized corrective action, and also that the person(s) responsible for the illegal dumping activity is/are either unknown, unable or unwilling to pay for the cost of corrective action.

Franklin County wishes to enter into an agreement to perform corrective action at the above illegal solid waste dumping site.

The secretary has determined that it is most cost effective for Franklin County to perform or contract for performance of the tasks necessary to take correction action at the site.

In consideration of the foregoing and the representations and obligations undertaken herein and intending to be legally bound, the parties hereto agree as follows:

I. The KDHE shall:

- (1) Provide reimbursement to Franklin County for 75% of their actual cost of corrective action not to exceed \$10,000.
- (2) Agree that Franklin County may utilize the labor cost of its employees and cost of use of appropriate equipment in the calculation of its total cost of corrective action, subject to review and approval by KDHE.
- (3) Advance 25% of \$10,000.00 or \$2,500.00 of the estimated contract amount upon execution of the contract.
- (4) Reimburse the remainder of the actual cost contract amount upon completion of the project as verified by receipt of Certified Expenditure Affidavits supported by evidence of expenditure, if KDHE approves the evidence of expenditure as appropriate. No reimbursements will be processed until the advanced contract amount is expended.
- (5) Review all requests and contracts submitted by Franklin County for approval by KDHE within thirty days of receipt by KDHE.
- (6) Provide technical assistance to Franklin County for project execution and administration.

II. Franklin County:

- (1) Shall incur 25% of the total cost of the cleanup, either through the direct payment of expenses or supplying a minimum of in-kind contributions through labor, equipment or landfill space.
- (2) Shall submit a work plan to KDHE for approval prior to initial distribution of funds.

(3) Shall submit Certified Expenditure Affidavits and a final affidavit supported by evidence of expenditures upon completion of the project and a final affidavit. The final affidavit shall be received by KDHE no later than 30 days after completion of the project. Complete, accurate documentation and current accounting of all funds received and expended shall be maintained to provide an audit trail to source documentation.

(4) Agrees that no capital equipment will be purchased with the funds provided by KDHE. No matching funds will be reimbursed to Franklin County for the purchase of any capital equipment.

(5) Submit all contracts over \$500 for approval by KDHE. KDHE recommends that Franklin County use competitive bid procedures for purchases over \$500, however, Franklin County may follow the same policies and procedures utilized for procurements obtained in the normal course of business.

(6) Afford access, upon written request, to the secretary of KDHE or the secretary's authorized representative, or Kansas Legislative Post Audit to any documents and other records necessary to certify compliance with Kansas statutes, regulations, and appropriation requirements.

(7) Complete the project as specified in the approved work plan.

(8) Submit a final report to KDHE detailing the work accomplished in implementing the work plan.

(9) Obtain all necessary site access agreements. Documentation of any such agreements shall be submitted to KDHE with the final report or upon request of KDHE.

(10) Provide additional funds or resources, over the contract amount, as necessary, for completion of the project.

(11) Franklin County shall submit to KDHE a copy of the resolution adopting this agreement. Upon submission, the resolution shall be incorporated into this agreement as Exhibit A.

III. The parties mutually agree that:

(1) Failure to submit an acceptable work plan shall render this contract void.

(2) The provisions found in Contractual Provisions Attachment (Form DA-146a), which is attached hereto and executed by the parties to the agreement, are hereby incorporated into this contract and are made a part hereof.

(3) This agreement constitutes the whole agreement between the parties, and it is mutually understood and agreed that no alternative or variation to the terms of this agreement shall be valid unless amendments hereto are made in writing and agreed to by both parties.

(4) This contract shall terminate upon Franklin County receipt of written notice from KDHE that the Franklin County has demonstrated that the items set forth in the work plan were satisfactorily completed.

(5) Nothing in this agreement shall be considered an admission of any fact or an acknowledgment of any liability; and, nothing herein shall be binding or have any effect on the position of the parties on any other agreements which may be negotiated between them.

(6) KDHE and the Franklin County will not be liable for any acts or omissions of their respective employees, agents, assigns, contractors, or persons acting on behalf of KDHE or the Franklin County in carrying out any activities pursuant to the terms of this agreement, beyond that liability granted by the Kansas Tort Claims Act, K.S.A. 75-6101 *et seq.*

(7) Failure to obtain necessary site access agreements, per paragraph II.(9), and/or to submit documentation of access agreements to KDHE upon KDHE's request, shall result in KDHE denying reimbursement of outstanding funds to Franklin County.

(8) KDHE shall not be responsible for any payments for site access or crop damage.

(9) By signing this agreement, the person below warrants that he or she has the authority to sign this document and to bind the parties to its terms.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures on the dates indicated below.

BY: _____

Date: _____

RICHARD A. HOWARD
PRINTED NAME

CHAIRMAN
TITLE

FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
ORGANIZATION:

Susan Mosier, MD, Secretary
Kansas Department of Health
and Environment

Date