

RESOLUTION NO. 2021- 47

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
LEAVENWORTH COUNTY, KANSAS, AMENDING THE GRAVEL ROAD DUST
CONTROL PROGRAM TO GOVERN ALL ROADWAYS UNDER JURISDICTION OF
THE BOARD OF COUNTY COMMISSIONERS, LEAVENWORTH COUNTY, KANSAS.**

WHEREAS it has been determined by the Board of County Commissioners of Leavenworth County, Kansas, that a program should be available to residents with the repeal of the Resolution 2018-11 for dust abatement on gravel roads;

WHEREAS the Board has determined that residents should have access to a program that provides a fair and equitable cost share between public and private interests;

WHEREAS the Board has determined that resident participation shall be voluntary and this program is not intended to mandate dust control participation by neighbors;

WHEREAS the County Engineer concurs with the Board of County Commissioners that access to proper dust control options shall have established conditions and process to be followed for residents desiring to participate in the Dust Program.

NOW BE IT THEREFORE, RESOLVED:

1. All properties in Leavenworth County are eligible for chemical and hard pave (Hard Surface Dust Control or Dust Abatement) dust control methods.

CHEMICAL DUST CONTROL

2. Chemical dust control is to be purchased directly from an approved third party vendor by the resident requesting chemical application. Costs for chemical dust control are developed by the vendor.

HARD SURFACE DUST CONTROL

3. Hard Surface Dust Control method shall be a section of existing public gravel roadway not less than 300 feet in length and no more than 2,640 feet in length, on which chip & seal hard pave is applied by Leavenworth County Road & Bridge crews.
4. Hard Surface Dust Control will be considered "connected" if the roadway ties in, on either end, to an existing hard-paved roadway maintained by a city, county or state. The roadway will be considered "non-connected" if it connects only to existing gravel roadways.
5. Hard surface dust controls requests are to be billed per the annual cost schedule to the resident requesting dust control. Residents requesting connected Hard Pave Dust Control may be eligible for a financing program through the County Clerk.
6. Hard surface dust control is available on a first come, first serve basis and will be limited to no more than six (6) installation locations. The distinction between installation locations are to be determined by the Department of Public Works and is made for the purpose of reducing the mobilization/demobilization and time required by County staff.
7. Maintenance is anticipated approximately every three years to re-seal the chip-and-seal Hard Surface Dust Control depending upon the durability of the material due to weather, traffic counts, and vehicle types utilizing the gravel road.

- a. Connected Hard Surface Dust Control will be accepted into perpetual maintenance at the expense of the County.
 - b. Maintenance for non-connected Hard Surface Dust Control will be the adjacent property owner's responsibility. If the non-connected Hard Surface Dust Control falls into disrepair, the County will return the previously chip-and-sealed section back to gravel.
8. Snow removal service provided by the County on Hard Surface Dust Controls depends upon the roadway connectivity.
 - a. Connected Hard Surface Dust Control will receive full snow removal services (ie. Salt, sand and blade) according to the current snow removal policy.
 - b. Snow removal services for non-connected Hard Surface Dust Control will receive grader blading only.
9. Hard Surface Dust Control costs are based upon material, labor and equipment for county staff to install. The Hard Surface Dust Control notification with annual cost schedule is released during the first quarter of each year and prominently placed into a publicly released form known as the Request for Hard Surface Dust Control notification.
10. Hard Surface Dust Control is not available as a hard-pave solution for Temporary Special Use Permits (TSUPs) or Special Use Permits (SUPs).

DUST ABATEMENT

11. Dust Abatement shall be a section of existing public gravel roadway not less than 1000 feet in length, on which an asphalt application of bituminous material over rock base course is applied by a County approved, on-call contractor. All Dust abatements must be connected to the existing hard pave network.
12. After Dust Abatement installation, County will accept the asphalt roadway into their existing hard pave maintenance program.
13. Dust Abatement roadways are selected either by the Department of Public Works or by request of the public or property owner through the Request for Dust Abatement process, to be approved by the Department of Public Works.
14. Installation of Dust Abatement is based upon the available road right-of-way and existing roadway width. Typical sections, roadway striping, and signage are per the Department of Public Works Dust Abatement Installation Guidelines. Hard pave widths are determined by the Department of Public Works and the deficiency review, with consideration to available right-of-way, drainage conditions, utility locations, field conditions, and other engineering variables.
15. Dust Abatement installation will be performed on a yearly basis. All requests will be logged for each calendar year and put out to bid for deficiency review and construction as a single county project, in January of the following year. The installation process is expected to require a minimum timeline of 15 months that is not to begin prior to January of the following year. (e.g. if a Dust Abatement is requested in February of 2020, the project will be added to the county list and deficiency review will begin on January 1, 2021 with installation anticipated in Summer of 2022.)

16. Dust Abatement are to be invoiced in two phases. Cost of construction expense may eligible for a county financing program through the County Clerk.
 - a. Deficiency Review
 - i. Deficiency reviews will be conducted by a licensed engineer from the list of County selected, on-call engineering firms
 - ii. Reviews will report insufficiently sized culverts, signage requirements, conduct utility coordination for needed relocation and produce surfacing plans for the Dust Abatement roadway.
 - iii. Cost of design will be entirely upon the requesting resident.
 - b. Construction Invoice
 - i. Leavenworth County will utilize an on-call contracting company for all Dust Abatement installations activities.
 - ii. Construction cost will include:
 1. The cleaning or shaping of ditches, preliminary shaping of roadway and culvert replacement for any culverts in disrepair or insufficiently sized per deficiency review
 2. Installation of asphalt surface per paving plans
 3. Installation of signage and striping per paving plans
 - iii. Upon receipt of invoice, requesting residents will have 90 days to pay in full or to pay for a minimum of 20% and coordinate financing for the remaining total for the Dust Abatement installation costs. Once committed, if the Dust Abatement request is cancelled by the resident, 20% of the project cost is non-refundable and will be applied to the remaining annual Dust Abatement projects.
17. Resident requested Dust Abatement costs are based upon third party pricing for deficiency review, construction costs to include material bids, mobilization, installation and third party pricing for construction inspection.
 - a. Deficiency Review annual cost schedule will be released during the last quarter of each year. Release of deficiency review will also include a basic cost estimate of construction, based upon the previous Dust Abatement installations. This number is to be used only as an approximation of the future construction costs and is not a guarantee for the construction invoice.
 - b. Upon completion of deficiency review, the yearly Dust Abatement roadways will be let for bid. Construction invoice will reflect actual bid costs provided by contractor.
18. Dust Abatement may be available as a hard-pave solution for TSUPs or SUPs as determined by County Staff as a special Condition for recommendation of approval.

GENERAL INFORMATION

- 19. New roads are not eligible for Hard Surface Dust Control or Dust Abatement installation. New public roadways must be constructed in accordance with the Road Construction and Storm Water Drainage Standards for Leavenworth County.
- 20. All forms of dust control accepted into county maintenance, will be maintained as needed as determined by the Department of Public Works.
- 21. Request for Hard Surface Dust Control and Dust Abatement notification will be provided by the Public Works Department in the Official County Newspaper and on the Leavenworth County Website at a minimum.
- 22. Payments are to be calculated per the cost schedule or third party quote. Payment and/or notification provided by the Clerk of financing must be received prior to the sign-up deadlines or scheduling the installation of dust controls. In the event that a resident is not eligible for the Dust Control Program, they will be notified and refunded payment.
- 23. Warranty is not provided on Chemical Dust Control or unmaintained Hard Surface Dust Control materials, installation, or durability of the dust control methods. The lifespan on dust controls are a function of weather, traffic count, vehicle types, road base, and other unknowns that are outside of the control of the County.
- 24. This resolution shall take effect immediately upon acceptance by the Board of County Commissioners.
- 25. Any prior resolution, in conflict with topics addressed here, is hereby repealed as it pertains to the Leavenworth County Gravel Dust Control Program.

Adopted this 21st day of October, 2021

**Board of County Commissioners
Leavenworth County, Kansas**



MIKE SMITH, CHAIRMAN, 4TH DISTR.



DOUG SMITH, 3RD DISTRICT



JEFF CULBERTSON, 1ST DISTRICT

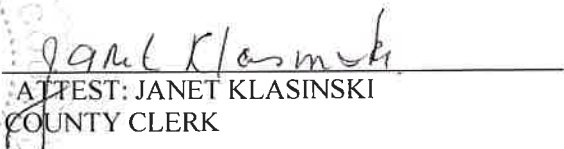


MIKE STIEBEN, 5TH DISTRICT



VICKY KAAZ, 2ND DISTRICT





ATTEST: JANET KLASINSKI
COUNTY CLERK