

**SEWARD COUNTY BOARD OF COMMISSION**

**DATE:** September 16, 2013  
**TIME:** 5:30 p.m.  
**CALL TO ORDER:** Chair Linenbroker  
**PLEDGE OF ALLEGIANCE:** Chair Linenbroker  
**INVOCATION:** Commissioner Wettstein  
**LOCATION:** 515 N. Washington  
Commission Chambers  
Liberal, KS 67901

**PRESENT**

**COMMISSIONERS:** Ada Linenbroker  
Doug LaFreniere  
Randy Malin  
Jim Rice  
CJ Wettstein

**COUNTY ADMINISTRATION:** April Warden

**CLERK'S OFFICE:** Stacia D Long

**CITIZEN COMMENTS:** There were no Citizen Comments

**1. APPROVE AGENDA: ADDITION/DELETIONS**

**Commissioner Wettstein moved to add an Executive Session Personnel item to the agenda after item #9. Vice Chair LaFreniere seconded the motion; motion carried 5-0.**

**Commissioner Rice moved to approve the Agenda. Commissioner Malin seconded the motion; motion carried 5-0**

**2. CONSENT AGENDA**

<b>ITEMS</b>	<b>DATE</b>	<b>AMOUNT</b>	<b>NUMBERS</b>
Minutes	September 3, 2013	N/A	N/A
Minutes	September 9, 2013	N/A	N/A
Payroll	September 16, 2013	\$300,904.72	N/A
Payroll(Sage/OK)	September 16, 2013	\$ 17,494.02	N/A

Vouchers	September 16, 2013	\$403,513.76	152106-152502
Crossing Permits	September 16, 2013	N/A	13-13

**REQUISITIONS**

DEPARTMENT	ITEM	VENDOR	AMOUNT	LINE ITEM
Landfill	Laptop Computer 1	Paragon	\$2,476.00	3-270-33100-485
Landfill	Air Compressor	Standard Supply	\$899.00	3-270-33100-486
Landfill	Computer Operating System	Paragon	\$695.00	3-270-33100-485

**Commissioner Malin moved to approve the Consent Agenda. Commissioner Rice seconded the motion; motion carried 5-0.**

**3. NEW EMPLOYEES**

NONE

**4. DIVIDEND CHECK**

**Al shank Insurance**

Al Shank, with Al Shank Insurance presented the Commissioners with a check in the amount of \$46,073.97 for 5.11% of the 2010-2011 Dividend from the Kansas County Safety Dividend Group with EMC Insurance.

**5. LESSER PRAIRIE CHICKEN**

There was much discussion on this item and a consensus was made to seek input from the public before going forward in support of Phase III.

No action taken

**6. CONDITIONAL USE APPLICATION**

**Planning & Zoning**

**Commissioner Wettstein moved to approve Resolution 2013-08, a Resolution Authorizing the issuance of conditional use permit #CU2013-02 to the Kathryn Reiss Trust allowing a commercial shop building at 18029 Road R, Kismet, Kansas. Commissioner Malin seconded the motion; motion carried 5-0.**

To see Resolution 2013-08 in its entirety, see page 6

**7. TEMPORARY WAIVER**

**Planning & Zoning**

Marcie Weatherly, Planning & Zoning Director presented a written request, staff report, location maps and photos of the current home in regards to a temporary waiver of Zoning Regulations.

**Commissioner Malin moved to grant the waiver and allow the owner to leave the Mobile Home there while they build the house, with the stipulation that Mobile Home be removed within 6 months of completion of the house. Commissioner Rice seconded the motion; motion carried 5-0.**

## **8. POSTAGE MACHINE BID**

This item was tabled at the last meeting to allow for additional time to research.

April Warden presented a Mailing System Comparison Chart to the Commissioners and invited the Clerk to provide feedback.

County Clerk Stacia Long stated that the Postage Machine is a vital piece of equipment for the Administration offices as well as the Sheriff's Department and offices located in the Old Courthouse which include District Court, County Attorney, Court Services, JCAPS and Community Corrections. The concerns expressed were regarding service of the equipment after the sale. She advised that Pitney Bowes has a history of providing poor service and advised that a brief history was provided in their packets. She also had concerns with Hasler stating that although the salesman was professional and kind, their service is not local and believed to come from out of Nebraska, which means it could be days before a service call could be taken care of. She pointed out that Southern Office Supply is local and has a history of providing excellent service.

Long went on to advise that not too long ago, there was a postage machine over in the Old Courthouse as well as in the Administration building costing the county well over \$600.00 per month for both. We are now down to one machine at one location.

**Commissioner Rice moved to approve the Bid from Southern Office Supply for the FP mailing system as recommended by the Clerk in the amount of \$492.00 per month for a period of 36 months. Commissioner Wettstein seconded the motion; motion carried 3-2 with Chair Linenbroker and Vice Chair LaFreniere against.**

## **8A EXECUTIVE SESSION**

### **Personnel**

**Commissioner Malin moved to recess into executive session for discussion of personnel matters of non-elected personnel under K.S.A. 75-4319(B)(1) for 10 minutes, to include County Administrator April Warden, to reconvene in the commission**

**chambers at 7:25p.m. Commissioner Rice seconded the motion; motion carried 5-0.**

The meeting recessed into Executive Session at 7:15pm

The meeting resumed at 7:25pm

No action was taken as a result of the Executive Session.

**Commissioner Malin moved to recess into executive session for discussion of personnel matters of non-elected personnel under K.S.A. 75-4319(B)(1) for 10 minutes, to include County Administrator April Warden, to reconvene in the commission chambers at 7:35p.m. Commissioner Rice seconded the motion; motion carried 5-0.**

The meeting recessed into Executive Session at 7:25pm

The meeting resumed at 7:35pm

No action was taken as a result of the Executive Session.

## **9. FAIR BOARD APPOINTMENTS**

April Warden, County Administrator advised the Commission that her office received a late application on Friday, September 13, 2013 after packets were complete. If the Commissioners wish to consider the application, that would make five applicants for four vacant positions.

**Vice Chair LaFreniere moved to consider the 5<sup>th</sup> applicant. Commissioner Malin seconded the motion; motion carried 5-0.**

To simplify the process, the Commissioners voted in the form of a Ballot which will become a part of the Official minutes.

**Vice Chair LaFreniere moved to appoint Jennifer Malin, Larry Phillips, Linnie D Bearce, and Jana Christian to the Fair Board for the 1 year term to expire September 30, 2014. Commissioner Malin seconded the motion; motion carried 5-0.**

## **10. SWKAA BOARD APPOINTMENT**

April Warden, County Administrator advised that the SWKAA Board has had a vacancy now for over a year. Lois Griffin has applied for the position that is set to expire September 1, 2015.

**Commissioner Rice moved to appoint Lois Griffin to the Vacant position on the SWKAA Board to expire September 1, 2015. Vice Chair LaFreniere seconded the motion; motion carried 5-0.**

#### **11. NACO BOARD MEMBER VOTE**

The Commissioners were given information on two individuals who are candidates for Kansas' representative to the NACO Board. They were asked to determine who they want to vote for and Certification will be forwarded to KAC to be counted.

After discussion, the following action was taken.

**Commissioner Wettstein moved that the Board cast their vote for Duane J Patrick, McPherson County Commissioner. Commissioner Malin seconded the motion; motion carried 5-0.**

#### **12. ADMINISTRATION COMMENTS**

April Warden provided the Commissioners with an update of activities for the past two weeks.

**Commissioner Malin moved to allow April Warden to attend the KAC in Wichita. Commissioner Rice seconded the motion; motion carried 5-0.**

#### **13. COMMISSION COMMENTS**

Each of the commissioners had an opportunity to report on liaison meetings they had attended during the last two weeks.

#### **14. SUGGESTION CARDS**

There were no suggestion cards.

#### **ADJOURN**

**Commissioner Rice moved to adjourn. Commissioner Malin seconded the motion; motion carried 5-0.**

The meeting adjourned at 8:00 p.m.

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Ada Linenbroker, Chairperson  
Seward County Commission

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Stacia D. Long  
Seward County Clerk

**RESOLUTION NO. 2013-08**

**A RESOLUTION AUTHORIZING THE ISSUANCE  
OF CONDITIONAL USE PERMIT #CU2013--02 TO THE KATHRYN REISS TRUST  
ALLOWING A COMMERCIAL SHOP BUILDING AT 18029 ROAD R, KISMET**

**BEFORE** the Board of County Commissioners of Seward County, Kansas:

**WHEREAS**, the Kathryn Reiss Trust desires to add an 80' x 125' shop building for use by Reiss Farmland, LP on two tracts of land in the SW/4 of Section 24, Township 32 South, Range 32 West of the 6<sup>th</sup> PM, Seward County, Kansas more specifically described as:

Beginning at the Southwest corner of the Southwest Quarter of Section 24, Township 32 South, Range 32 West of the 6th Principal Meridian, Seward County, Kansas; thence North along the West line of said SW/4 a distance of 200.00 feet to a point; thence East paralleling the South line of said SW/4 a distance of 304.92 feet to a point; thence South paralleling the West line of said SW/4 a distance of 200.00 feet to a point on the South line of said SW/4; thence West along the south line of said SW.4 a distance of 304.92 feet to a point of beginning;

**AND**

Commencing at the Southwest corner of the Southwest Quarter of Section 24, Township 32 South, Range 32 West of the 6th Principal Meridian, Seward County, Kansas; thence North along the West line of said SW/4 a distance of 200.00 feet to the point of beginning for this tract; thence continue North along the West line of said SW/4 a distance of 342.00 feet to a point; thence East paralleling the South line of said SW.4 a distance of 775.00 feet to a point; thence South paralleling the West line of said SW/4 a distance of 542.00 feet to a point on the South line of said SW/4; thence West along the South line of said SW.4 a distance of 470.08 feet to a point' thence North paralleling the West line of said SW/4 a distance of 200.00 feet to a point; thence West paralleling the South line of said SW/4 a distance of 304.92 feet to the point of beginning.

Being described as such in Book 535, Page 134 of the Office of the Register of Deeds of Seward County, Kansas.

commonly known as 18029 Road R, Kismet, Seward County, Kansas; and

**WHEREAS**, as part of these development efforts, an application was filed with the Zoning Administrator for a conditional use permit for the Property described above; and

**WHEREAS**, the Seward County Zoning Regulations Article 27-104 lists "commercial and/or retail stores and activities in the unincorporated portion of Seward County" as a conditional use that may be approved by the Governing Body; and

**WHEREAS**, the Planning Commission held a Public Hearing on September 9, 2013, reviewed the criteria for granting Conditional Use Permits as listed in the Seward County Zoning Regulations Article 32-105 (2) and recommends approval of the application; and

**WHEREAS**, the Board of County Commissioners has reviewed the application, staff report and public hearing summary on this matter and finds that approval of the request will not be detrimental to the health, safety and general welfare of the community;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Seward County, Kansas that:

The Seward County Board of Commissioners hereby adopts the Seward County/City of Kismet Planning Commission's recommendation to approve the application and hereby authorizes issuance of Conditional Use Permit #CU2013-2 to the Kathryn Reiss Trust for construction of an 80' x 125' commercial shop in the SW/4 of Section 24, Township 32 South, Range 32 West of the 6<sup>th</sup> PM, commonly known as 18029 Road R, Kismet, Seward County, Kansas.

This Resolution shall be in full force and effect from and after its publication once in the official county newspaper.

**ADOPTED** this 16<sup>th</sup> day of September, 2013.

**BOARD OF COUNTY COMMISSIONERS  
OF SEWARD COUNTY, KANSAS**

By: \_\_\_\_\_  
Ada Linenbroker, Chair

**ATTEST:**

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Stacia Long, Clerk