

SEWARD COUNTY BOARD OF COMMISSION

DATE: April 7, 2014
TIME: 5:30 p.m.
CALL TO ORDER: Chair Linenbroker
PLEDGE OF ALLEGIANCE: Chair Linenbroker
INVOCATION: Jack Jacob (Liberal Ministerial Alliance)
LOCATION: 515 N. Washington
Commission Chambers
Liberal, KS 67901

PRESENT

COMMISSIONERS: Ada Linenbroker
C.J. Wettstein
Jim Rice
Doug LaFreniere
Randy Malin

COUNTY ADMINISTRATION: April Warden

LEGAL COUNSEL: Dan Diepenbrock

CLERK'S OFFICE: Marcala Skinner

CITIZEN COMMENTS: NONE

1. APPROVE AGENDA: ADDITION/DELETIONS

Commissioner Rice moved to add Microloan Review Committee as item #12a. Commissioner Malin seconded the motion; motion carried 5-0.

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

2. CONSENT AGENDA

ITEMS	DATE	AMOUNT	NUMBERS
Minutes	March 17, 2014	N/A	N/A
Payroll	March 31, 2014	\$287,483.64	N/A
Payroll (Sage/OK)	March 31, 2014	\$ 18,721.86	N/A
Payroll (RF Volunteer)	March 31, 2014	\$ 9,011.04	N/A

Vouchers	April 7, 2014	\$740,006.32	155866-156138
Abates	\$121,152.56		
Escapes	\$17,480.06		
Crossing Permits	14-07 through 14-14		

REQUISITIONS

DEPARTMENT	ITEM	VENDOR	AMOUNT	LINE ITEM
Landfill	(2)Desktop Computers	Web Creations	\$2,916.00	4-270-33100-485
Waste Hauling	(1)Desktop Computer	Web Creations	\$1,458.00	4-269-33000-480

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

3. NEW EMPLOYEES

None Present

4. CIC SOFTWARE

Commissioner LaFreniere moved to table the upgrade to the CIC software. Commissioner Rice seconded the motion; motion carried 5-0.

5. MAINTENANCE BID

As published in the High Plains Daily Leader on March 30, 2014. At 12:00 pm on Wednesday, April 2, 2014, bids for a 26” Floor Scrubber were opened in the County Clerk’s Office. One bid was turned in for consideration from Empire Paper in the amount of \$10,885.

Commissioner Rice moved to approve the purchase the Floor Scrubber from Empire Paper in the amount of \$10,885.00 to be taken from the County Equipment fund. Commissioner Malin seconded the motion; motion carried 5-0.

6. WEB STREAMING

Commissioner Wettstein moved to approve the implementation of the web streaming project to be taken from the County Technology Fund in the amount of \$29,535. Commissioner LaFreniere seconded the motion; motion carried 5-0.

**7. CONDITIONAL USE APPLICATION
CU 2014-01**

Marcie Weatherly, Seward County Planning & Zoning Administrator, notified the Board that the Planning Commission had held a public hearing on the Conditional Use Application CU2014-01 on March 10, 2014. The Planning Commission unanimously recommends that the Board of Commissioners approve this application with the conditions.

Commissioner Wettstein moved to approve Resolution 2014-04, A Resolution Authorizing the Issuance of Conditional Use Permit #CU2014-01 allowing a Manufactured Home Subdivision with the following conditions:

- 1. Only one residential structure is permitted per parcel.**
- 2. All parcels must be a minimum of one (1) acre.**
- 3. All parcels that are two (2) acres or more upon date of approval of Conditional Use cannot be split into one acre lots.**
- 4. Lots shall be sold to individual owners for use as residential lots.**
- 5. All lots must be served by a public water supply. No new individual water wells will be permitted.**
- 6. All lots must have access to natural gas service.**
- 7. Road Right-of-Way must be 80 feet.**
- 8. Placement of any new homes on vacant lots or replacement of existing homes must comply with the siting, anchoring, skirting and setback requirements listed in the Seward County Manufactured Home and RV Code.**
- 9. No accessory structures can be built or placed prior to residential structure.**
- 10. All other applicable zoning regulations and building codes still apply.**

and also has the following waivers, exceptions or variances:

- 1. Lots may continue to be sold by metes and bounds. A survey or plat of the entire site is not required due to the length of time this development has existed.**
- 2. The road does not have to be upgraded at this time. If the Landowner's Association wants to request that the county take over maintenance of the road in the future, it will need to be brought into compliance with county road standards.**

Commissioner Rice seconded the motion; motion carried 5-0.

To see Resolution 2014-04 in its entirety, see page 7.

8. ZONING APPEAL BZA 2014-01

Marcie Weatherly, Seward County Planning & Zoning Administrator, updated the Board regarding the septic system installation permit application submitted by the owner for 13104 Road 4, Liberal, KS. Prior to the purchase of the property by the current owner an illegal lot split had been done, which means that Planning & Zoning is unable to issue a permit without the direction of the Board of Commissioners.

Commissioner Rice moved to authorize the Planning and Zoning staff to issue a permit for the required repairs or replacement of this septic system in order to alleviate potential health risks for the occupants and the public. Commissioner LaFreniere seconded the motion; motion carried 5-0.

9. KNRC RESPONSE LETTER TO BLM

The Board of Commissioners received an e-mail from the Kansas Natural Resource Coalition (KNRC) with a proposed letter to the U.S. Department of Interior Bureau of Land Management regarding the Coordination with Existing Natural Resource Management Plan; Environmental Impact Statement (EIS) Scoping.

Commissioner LaFreniere moved to send the letter of response to the Bureau of Land Management. Commissioner Malin seconded the motion; motion carried 4-0 with Commissioner Rice abstaining.

10. ELECTRICAL DOOR SYSTEM ACCESS

April Warden, Seward County Administrator updated the Commissioners on the Electrical Door System Access in the Law Enforcement Center. After an investigation of the system it is believed that at least one major power surge if not more resulted in extreme damage. April does have a written statement of the findings to send in to the County's insurance company. Due to safety issues for employees April asked the Commissioners to review the proposal put together by Kansas Electric Inc., who specializes in these types of projects.

Commissioner Rice moved to approve the proposal from Kansas Electric in the amount of \$16,800 to come out of the County Building fund. Commissioner Malin seconded the motion; motion carried 5-0.

11. DISTRICT COURT FLOORING

Koleen Nosekabel, District Court Clerk, went before the Commission at their meeting on March 4, 2014 to let them know that there was money left from their 2013 Encumbrance and would like to use that money for carpet and tile. Bids were received since the March 2014 meeting and have been presented to the Board for their approval.

Commissioner Rice moved to approve the bid from Brown's Furniture in the amount of \$5,405.55. Commissioner Malin seconded the motion; motion carried 5-0.

12. COURTHOUSE SECURITY

The Board was presented with bid proposals for the install of tempered safety glass at the front counter area of District Court. After much discussion participated by all, the following motion was made.

Commissioner Rice moved to approve the bid from Knudsen Enterprises in the amount of \$14,375.00. Commissioner LaFreniere seconded the motion; motion carried 5-0.

12a. MICROLOAN REVIEW COMMITTEE

April Warden, County Administrator, updated the Board on the status of the Seward County Microloan Review Committee, which has not been active since 2006. April recommended that the Board use the Joint Economic Development Board members as the Review Committee for Micro Loan applications for Seward County.

Commissioner Rice moved to have the Economic Development Board serve as the County's review Committee. Commissioner LaFreniere seconded the motion; motion carried 5-0.

13. EXECUTIVE SESSION

Legal

Commissioner Malin moved to recess into executive session for consultation with our attorney which would be deemed privileged in the attorney client relationship under K.S.A. 75-4319(b)(2) for 10 minutes, to include Dan Diepenbrock, County Counsel, and April Warden, County Administrator, to reconvene in the Commission Chambers at 6:57 p.m. Commissioner LaFreniere seconded the motion; motion carried 5-0.

The meeting recessed into Executive Session at 6:47 p.m.

The meeting resumed at 6:57 p.m.

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

14. ADMINISTRATION COMMENTS

April Warden, County Administrator presented an update to the Commission.

15. COMMISSION COMMENTS

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

16. 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 7:45 p.m.

Ada Linenbroker, Chairperson
Seward County Commission

Stacia D. Long
Seward County Clerk

RESOLUTION NO. 2014-04

A RESOLUTION AUTHORIZING THE ISSUANCE OF CONDITIONAL USE PERMIT #CU2014-01 ALLOWING A MANUFACTURED HOME SUBDIVISION

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

WHEREAS, certain historic developments exist in the unincorporated areas of Seward County that do not comply with existing regulations and are virtually un-improvable within the guidelines of the currently adopted Zoning Regulations; and

WHEREAS, one of these developments is located on a tract of land in the Northwest Quarter of (NW/4) of Section Fifteen (15), Township Thirty-four South (T34S), Range Thirty-two West (R32W) of the Sixth Principal Meridian, Seward County, Kansas more specifically described as:

Beginning in the Southwest Corner of said NW/4; thence North along the West line of said NW/4 a distance of 872 feet; thence East parallel to the South line of said NW/4 a distance of 2209.2 feet; thence North parallel to the East line of said NW/4 a distance of 41.2 feet; thence parallel to the South line of said NW/4 a distance of 436 feet; thence South along the East line of said NW/4 a distance of 913.2 feet to the Southwest Corner of said NW/4; thence West along the South line of said NW/4 a distance of 2644.9 feet to the Point of Beginning.

The properties included in this application are along Andrew Lane and Telzey Lane commonly known as Rolling Hills. These lots have been sold by metes and bounds with a referenced lot number. The area was never platted; and

WHEREAS, in an effort to improve the conditions in this development, Seward County Planning & Zoning staff recommends that this tract of land be classified as a Manufactured Home Subdivision in order to allow landowners to make repairs, replacements, improvements, upgrades, or new installations of residential or accessory structures; 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 “Manufactured Home Subdivisions” as a conditional use that may be approved by the Governing Body; and

WHEREAS, the Planning Commission held a Public Hearing on March 10, 2014, 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 with conditions; 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; and

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 #CU2014-01 to reclassify a tract of land in the

South ½ of the Northwest ¼ of Section 15, Township 34 South, Range 32 West of the 6th PM, Liberal, Seward County, Kansas more specifically described above, as a Manufactured Home Subdivision with the following conditions:

11. Only one residential structure is permitted per parcel.
12. All parcels must be a minimum of one (1) acre.
13. All parcels that are two (2) acres or more upon date of approval of Conditional Use cannot be split into one acre lots.
14. Lots shall be sold to individual owners for use as residential lots.
15. All lots must be served by a public water supply. No new individual water wells will be permitted.
16. All lots must have access to natural gas service.
17. Road Right-of-Way must be 80 feet.
18. Placement of any new homes on vacant lots or replacement of existing homes must comply with the siting, anchoring, skirting and setback requirements listed in the Seward County Manufactured Home and RV Code.
19. No accessory structures can be built or placed prior to residential structure.
20. All other applicable zoning regulations and building codes still apply.

The following waivers, exceptions or variances are also approved:

3. Lots may continue to be sold by metes and bounds. A survey or plat of the entire site is not required due to the length of time this development has existed.
4. The road does not have to be upgraded at this time. If the Landowner's Association wants to request that the county take over maintenance of the road in the future, it will need to be brought into compliance with county road standards.

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

ADOPTED this 7th day of April, 2014.

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

By: _____
Ada Linenbroker, Chair

ATTEST:

Stacia Long, Clerk