

**SEWARD COUNTY BOARD OF COMMISSION**

**DATE:** April 21, 2014  
**TIME:** 5:30 p.m.  
**CALL TO ORDER:** Chair Linenbroker  
**PLEDGE OF ALLEGIANCE:** Chair Linenbroker  
**INVOCATION:** Rex Petty (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:** Vanessa Reeve

**CITIZEN COMMENTS:** NONE

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

**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	April 7, 2014	N/A	N/A
Minutes	April 14, 2014	N/A	N/A
Payroll	April 14, 2014	\$301,736.75	N/A
Payroll (Sage/OK)	April 14, 2014	\$ 17,375.67	N/A
Vouchers	April 14, 2014	\$483,761.98	156140-156465
Crossing Permits	14-15 through 14-16		

## REQUISITIONS

DEPARTMENT	ITEM	VENDOR	AMOUNT	LINE ITEM
County Technology	(8)Desktop Computers for Sheriff Office	Web Creations	\$9,139.92	4-100-31166-250

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

### 3. NEW EMPLOYEES

None Present

### 4. STEPPING STONE SHELTER ESG GRANT

**Vice Chair Wettstein moved to approve the annual ESG Grant for the Stepping Stone Shelter. Commissioner LaFreniere seconded the motion; motion carried 5-0.**

### 5. CONDITIONAL USE APPLICATION

#### CU 2014-02

Marcie Weatherly, Seward County Planning & Zoning Administrator, notified the Board that the Planning Commission had held a public hearing on the Conditional Use Application CU2014-02 on April 16, 2014. The Planning Commission unanimously recommends that the Board of Commissioners approve this application with the following conditions:

1. All construction permits must be obtained prior to construction and all inspections must be requested and completed in accordance with building department requirements.
2. Installation must comply with requirements of the public utility provider (CMS Electric).

**Commissioner Rice moved to approve Resolution 2014-05, A Resolution Authorizing the Issuance of Conditional Use Permit #CU2014-02 allowing an 80 foot tower for residential wind energy generation. Commissioner Malin seconded the motion; motion carried 5-0.**

To see Resolution 2014-05 in its entirety, see page 5.

### 6. EMPLOYEE RAISES

**Commissioner Rice moved to approve a \$0.50 an hour raise for employees to come from Reserve for Claims/Salary in the amount of \$200,192.20 to include elected officials with the exception of Commissioners, effective the first payroll in May. Commissioner Malin seconded the motion; motion carried 5-0.**

## **7. 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 20 minutes, to include Dan Diepenbrock, County Counsel, Brock Theiner, Landfill Director and April Warden, County Administrator, to reconvene in the Commission Chambers at 6:10 p.m. Commissioner Rice seconded the motion; motion carried 5-0.**

The meeting recessed into Executive Session at 5:50 p.m.

The meeting resumed at 6:10 p.m.

No action was taken as a result of the 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 6:20 p.m. Commissioner LaFreniere seconded the motion; motion carried 5-0.**

The meeting recessed into Executive Session at 6:10 p.m.

The meeting resumed at 6:20 p.m.

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

## **8. ADMINISTRATION COMMENTS**

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

## **9. COMMISSION COMMENTS**

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

## **10. SUGGESTION CARDS**

There were no suggestion cards.

**ADJOURN**

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

The meeting adjourned at 6:40 p.m.

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Ada Linenbroker, Chairperson  
Seward County Commission

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Stacia D. Long  
Seward County Clerk

**RESOLUTION NO. 2014- 05**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF CONDITIONAL USE PERMIT #CU2014-02 TO THE DON R. AND NANCY H. PARSONS REVOCABLE TRUST ALLOWING AN 80 FOOT TOWER FOR A RESIDENTIAL WIND ENERGY GENERATION SYSTEM AT 15250 ROAD I, LIBERAL, KS**

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

**WHEREAS**, Don R. Parsons and Nancy H. Parsons as trustees of the Don R. and Nancy H. Parsons Revocable Trust desire to add an 80 foot tall tower for a residential wind energy generation system on a tract of land in Section 5, Township 33 South, Range 33 West of the 6<sup>th</sup> PM, Seward County, Kansas more specifically described as:

The Northwest Quarter (NW/4) and South half (S/2) of Section 5, Township 33 South, Range 33 West of the Sixth Principal Meridian, Seward County, Kansas.

Commonly known as 15250 Road I, Liberal, 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 “any tower or similar structure 50 feet or more in height” as a conditional use that may be approved by the Governing Body; and

**WHEREAS**, the Planning Commission held a Public Hearing on April 14, 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; 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 #CU2014-02 to the Don R. and Nancy H. Parsons Revocable Trust for construction of an 80 foot tower for a residential wind energy generation system on a tract of land in Section 5, Township 33 South, Range 33 West of the 6<sup>th</sup> PM, commonly known as 15250 Road I, Liberal, 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 21<sup>st</sup> day of April, 2014.

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

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

**ATTEST:**

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Stacia Long, Clerk