

SEWARD COUNTY BOARD OF COMMISSION

DATE: October 21, 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
CJ Wettstein

COUNTY

ADMINISTRATION: April Warden

CLERK'S OFFICE: Vanessa Reeve

ABSENT

COMMISSIONERS: Jim Rice

CITIZEN COMMENTS: None

1. APPROVE AGENDA: ADDITION/DELETIONS

**Vice Chair LaFreniere moved to approve the Agenda.
Commissioner Malin seconded the motion; motion carried 4-0
with Commissioner Rice absent.**

2. CONSENT AGENDA

ITEMS	DATE	AMOUNT	NUMBERS
Minutes	October 7, 2013	N/A	N/A
Payroll	October 11, 2013	\$306,791.60	N/A
Payroll (Sage/OK)	October 11, 2013	\$ 18,643.69	N/A
Payroll (Volunteer Firefighters)	October 11, 2013	\$ 10,955.00	N/A
Vouchers	October 21, 2013	\$462,895.13	152898-153183

Crossing Permits NONE
 Abates NONE
 Escapes NONE

REQUISITIONS

DEPARTMENT	ITEM	VENDOR	AMOUNT	LINE ITEM
Event Center	1 Carpet Cleaner Machine	Daimler Industries	\$546.83	3-330-3110-481

Commissioner Malin moved to approve the Consent Agenda. Vice Chair LaFreniere seconded the motion; motion carried 4-0 with Commissioner Rice absent.

3. NEW EMPLOYEES

NONE

4. BIDS FOR SHERIFF VEHICLES

As published in the High Plains Daily Leader on September 20, and September 25, 2013. At 12:00 p.m. on Friday, October 11, 2013, Bids for Sheriff’s Office vehicles were opened in the County Clerk’s Office. Three (3) bids were turned in for consideration.

Commissioner Wettstein moved to approve the purchase of two (2) 2014 Dodge Charger and two (2) Dodge Pick-Up with trade in of two (2) Crown Victoria’s and one (1) 2007 Ford F-150 and one (1) 2010 Ford F-150 with trade in value of \$28,402 for total of \$78,184 from Chrysler Corner. Commissioner Malin seconded the motion; motion carried 4-0 with Commissioner Rice absent.

Commissioner Wettstein moved to approve the purchase of one (1) 2014 Ford F-150 and one (1) 2014 Ford Explorer from Foss Motor in the amount of \$57,571 with funds to come from the forfeit fund. Commissioner Malin seconded the motion; motion carried 4-0 with Commissioner Rice absent.

Commissioner Wettstein moved to transfer a 2000 Chevy Tahoe and a 2002 Chevy Tahoe to the Appraisers office. Vice Chair LaFreniere seconded the motion; motion carried 4-0 with Commissioner Rice absent.

5. SPRINGFIELD CEMETRY

Commissioner Wettstein moved to approve \$2,500 with funds to come out of the General fund to purchase a stone memorial for the Springfield Cemetery with the names of people buried there whose monuments are missing. Vice Chair LaFreniere seconded the motion; motion carried 4-0 with Commissioner Rice absent.

6. CONDITIONAL USE PERMIT CU2013-03

Commissioner Wettstein moved to approve Resolution 2013-13 with staff conditions. Commissioner Malin seconded the motion; motion carried 4-0 with Commissioner Rice absent.

To see Resolution 2013-13 in its entirety, see page 6.

7. TEMPORARY ZONING WAIVER

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 Wettstein 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 60 days of completion of the house. Vice Chair LaFreniere seconded the motion; motion carried 4-0 with Commissioner Rice absent.

8. COUNTY WIDE VOICE SYSTEM ZITO MEDIA

Mark Rohlf, County IT informed the Board that the Sheriff Office and Health Dept are in need of a new phone system. He requested the Board to go with the phone system provided by Zito Media.

Commissioner Wettstein moved the Board to update the phone system for the Sheriff Office and Health Dept with the system provided by Zito Media up to \$25,000. Vice Chair LaFreniere seconded the motion; motion carried 4-0 with Commissioner Rice absent.

9. AUDITOR CONTRACT

Commissioner Wettstein moved to approve the contract with Hay, Rice, and Associates not to exceed \$37,500 to be paid out

of the General Courthouse- Auditor line item for funding year 2014. Vice Chair LaFreniere seconded the motion; motion carried 4-0 with Commissioner Rice absent.

**10. REAL ESTATE CONTRACT
SOUTHWEST HOUSING, LLC**

County Legal Counsel Dan Diepenbrock, stated he had been advised that the Southwest Housing, LLC is now Southwest Housing Partnership. He advised the Board to approve the contract like it was proposed except with the added change of the closing date of November 1.

Vice Chair LaFreniere moved to approve the contract with Southwest Housing Partnership with the closing date of November 1, 2013. Commissioner Malin seconded the motion; motion carried 4-0 with Commissioner Rice absent.

**11. EXECUTIVE SESSION
LEGAL**

Commissioner Wettstein 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 30 minutes, to include Dan Diepenbrock, County Counsel, April Warden, County Administrator, Brock Theiner, Interim Landfill Director and Terry Dees Landfill employee. To reconvene in the Commission Meeting Room at 7:00 p.m., Malin seconded the motion; motion carried 4-0 with Commissioner Rice absent.

The meeting recessed into Executive Session at 6:30 p.m.

The meeting resumed at 7:03 p.m.

The following action was taken as a result of the Executive Session.

Commissioner Wettstein moved to approve the purchase of two (2) Mack Trucks from Custom Truck & Equipment in Kansas City for \$114,865 per truck total \$229,730, 15 Rolloffs at \$62,708, 72 Side Loads at a total of \$33,416 from Downing in Durant, Oklahoma, two (2) Trash Bodies at \$75,000 each, totaling \$150,000 from SEC, with funds to come out of the Waste Hauling Budget and to waive the purchasing policy due

to the fact that time is of essence. Commissioner Malin seconded the motion; motion carried 4-0 with Commissioner Rice absent.

Commissioner Wettstein moved for the Board to join the lawsuit regarding the Oil and Gas depletion fund to be filed by John Frieden and his law firm with funds to be taken out of the General Fund. Commissioner Malin seconded the motion; motion carried 4-0 with Commissioner Rice absent.

12. ADMINISTRATION COMMENTS

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

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

Vice Chair LaFreniere moved to adjourn. Commissioner Malin seconded the motion; motion carried 4-0 with Commissioner Rice absent.

The meeting adjourned at 7:20 p.m.

Ada Linenbroker, Chairperson
Seward County Commission

Stacia D. Long
Seward County Clerk

RESOLUTION NO. 2013-13

**A RESOLUTION AUTHORIZING THE ISSUANCE
OF CONDITIONAL USE PERMIT #CU2013-03 TO JOHN STONESTREET
ALLOWING A COMMERCIAL SHOP BUILDING AT 23914 ROAD N, KISMET**

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

WHEREAS, John Stonestreet desires to add a 62' x 120' shop building for use by J&T Stonestreet Farms on a tract of land in the NE/4 of Section 30, Township 31 South, Range 32 West of the 6th PM, Seward County, Kansas more specifically described as:

Beginning at the Northeast corner thence West 594 feet of said Northeast Quarter; thence South 880 feet; thence East 594; thence North 880 feet to the place of beginning containing 12 acres more or less.

Being described as such in Book 357, Page 498 of the Office of the Register of Deeds of Seward County, Kansas.

commonly known as 23914 Road N, 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 October 14, 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 #CU2013-03 to John Stonestreet for construction of a 62' x 120' commercial shop building on a tract of land in the NE/4 of Section 30, Township 31 South, Range 32 West of the 6th PM, commonly known as 23914 Road N, Kismet, Seward County, Kansas 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. Construction permit issuance is contingent upon meeting all applicable code requirements, including separation distances.
This Resolution shall be in full force and effect from and after its publication once in the official county newspaper.

ADOPTED this 21st day of October, 2013.

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

By: _____
Ada Linenbroker, Chair

ATTEST:

Stacia Long, Clerk