

## **COMMISSION MINUTES – MONDAY, NOVEMBER 26, 2007**

At 8:30 A.M., all members of the Pottawatomie County Commission met for a regular session in the County Commission Room. Present were Tom Doperalski, chairman; Corwin Seamans, vice chairman; and Stan Hartwich, member.

Stan Hartwich moved and Corwin Seamans seconded to adopt the agenda for today's meeting. Motion carried 3 to 0.

The Commission considered and acted on tax roll corrections. (Attachment #1)

The Board reviewed and Chairman signed the accounts payable printouts for November 26, 2007.

Lois Schlegel, county appraiser, met with the Commission for an update. The following was discussed:

1. Orion software update. Lois invited the Commission to review the program in her office.

2. Website update. The only information free to the public is appraised values. Data information will be charged. During appeal time, everything is free for 30 days. Lois stated individuals can search all "like" property information.

3. Lois presented quotes for a laser printer. The current printer is over 15 years old. She had originally budgeted for 2 computers for her office. Since the State provided her with 2 computers, she would have the money to purchase the new printer. The Commission asked Robert about the need for the printer. Robert stated the County has in place a process to submit computer requests to his office with supporting documentation for the need. The request is evaluated and if deemed necessary, the department and GIS director determine the best solution. They submit quotes to the Administration office for final approval. Corwin Seamans stated that seemed like a sound procedure and felt the Commission should follow it. The Commission stated they would consider her request and decide later.

4. Lois updated them on office activities with a sales chart, BOTA hearing updates, and stated her department is preparing for market modeling and final review. She requested the newspapers note the Appraiser's Office will be doing final reviews, door to door. The Attorney General has given county appraisers the authority to be on property to measure buildings. The

Staff has ID badges and will be driving marked vehicles. The information recorded is to be within 1 foot of the actual measurement. This makes it necessary to do the actual measurement rather than estimate it.

Tom Doperalski left at 9:28 for a court appointment.

Leslie Campbell, health director, met with the Commissioners to present her November department update. Tom Doperalski returned to the meeting at 10:05. Leslie discussed school inspections, flu vaccines given, and training updates for her department. Leslie stated there will be a Family Planning State Audit on 11/28/07. Tom Doperalski asked for annual information for the NACo prescription drug card used by the County's residents.

Stan Hartwich moved and Corwin Seamans seconded to approve minutes of November 15, 2007. Motion carried 3 to 0.

Steve Murphy, St. Marys Township resident, met with the Commissioners to discuss his subdivision request to make a road a private road. Commissioner Doperalski stated he couldn't sign a plat with a private road in it. He added if Mr. Murphy felt this was a legal issue, he should seek legal counsel. Gregg Webster, zoning administrator stated his department had made it clear from the beginning the road would have to be a county road and would need to be constructed according to county specs. Murphy stated what he had found was an old ordinance that hadn't been signed. He added he had heard different things, but not the truth. Doperalski stated he didn't see a reason to vary from policy and recommended Murphy seek legal counsel. Doperalski directed Gregg to take Murphy to visit with John Keller, county planner. Commissioner Hartwich stated he could understand and respect trying to save money, but can't put the taxpayers at risk for further problems. Commissioner Seamans stated Murphy should visit with John Keller.

Robert Walther, executive chairman of Ethanex Energy, met with the Commissioners to discuss the Company's interest in constructing an ethanol plant to be located near the Jeffrey Energy Center. Also present were other representatives of Ethanex, representatives of Jeffrey Energy Center, Senator Dennis Pyle, Representative Richard Carlson, Economic Development Director, County Administrator, County Counselor, Assistant County Counselor, and County Department Heads. Walther explained how the system would be set up as well as uses of the by products created by the system. He stated they would be able to use the steam created by Jeffrey.

Since they would not be burning, the ethanol plant would not create carbon footprints. There will be a public information meeting in St. Marys on December 4 to answer questions and address concerns citizens might have. Walther stated they are checking on other access options to preclude additional truck traffic at the intersection of Hwy 24 and 63 in St. Marys. They are planning on using rail traffic also and are working with UPRR. Dave Neufeld, plant manager at Jeffrey Energy Center informed the group of improvement projects being contracted at the plant. There are 250 to 300 contractors on site. By the time of spring outage, there will be approximately 1,000 contractors. Walther stated the steam for the ethanol plant will be purchased from Jeffrey. There will be no gift; it will be fully a financial transaction. The plant will be located on land owned by Jeffrey and will be utilized through a long term lease.

Senator Dennis Pyle and Representative Richard Carlson addressed the Commissioners and department heads with information of topics they are aware of for the upcoming legislative session. Pyle stated there will be issues relating to elections, utilities, and immigration. Carlson stated the Tax Interim Committee will be looking at how new construction is appraised and assessed. Lois Schlegel asked about a limit to the valuation increase for citizens over the age of 65. Last year there were adjustments to the Homestead Act and the exemption of social security income towards Homestead limits. These were helpful to those qualifying. There are many senior citizens on fixed incomes who struggle with annual tax increases. Carlson stated Pottawatomie County has the 2<sup>nd</sup> lowest mill levy of counties in Kansas. Johnson County has the lowest. Commissioner Doperalski asked if either Carlson or Pyle was aware of the possibility of forming a benefit district to help pay for the correction or prevention of erosion. Carlson stated he would look into it. Doperalski also commented on a session he had attended at KAC regarding having district attorneys rather than county attorneys and wondered if that would be a topic during the session. He also asked about taxes. Pyle stated what he had heard most from individuals regarding sales tax is their mistrust of those initiating the tax and then not either using it for its intended purpose or removing the tax at the time it should be. He stated there is a 4.2% increase in State spending. Commissioner Hartwisch asked that they keep senior citizens in mind when considering any legislation. Commissioner Seamans asked about KDOT changing their philosophy of a 10 year period for projects if they have the funds available. Carlson stated there is a new KDOT road program and they are aware of the Hwy 24 congestion and the growth in this area. Brenda

Krause, GIS director, asked about the No-Call list and its application to politicians. Carlson stated some of that is allowed due to freedom of speech. Pyle stated if blocked in Kansas, the calls would come out of Missouri or Nebraska. Control of those calls would have to be addressed through the federal government. Betty Abitz, register of deeds, stated she had heard at an association meeting there are plans to increase filing fees and mortgage tax. She asked Carlson and Pyle to keep in mind the Register of Deeds Association does not want the increase. Leslie Campbell, health director, gave Carlson and Pyle information on maternal health program funding.

The Commission adjourned for lunch at 12:20.

Ed Erickson, Paul Gallagher, and Marty Soffran met with the Commissioners to discuss the bank erosion project on Elbo Creek in Blue Township. Also present was Leu Lowrey, public works director and Robert Reece, county administrator. Gallagher and Soffran have walked the site and stated there would be 7 or 8 ingress and egress sites with 4 or 5 alternate sites. There are 2 sites that would require heavy equipment access. Golden Eagle Drive and Fox Ridge Drive would be primary access points. Commissioner Doperalski stated he doesn't want to sign any agreement if the homeowners are not going to allow access to their property. He asked Leu how quick they could obtain the easements. Leu stated they would start knocking on doors tomorrow and should know for sure by December 10<sup>th</sup>.

Leu Lowrey, public works director, presented the Commission with two contracts to consider. Corwin Seamans moved and Stan Hartwich seconded to sign the Federal Aid Bridge Inspection Master Agreement with KDOT. Motion carried 3 to 0. Corwin Seamans moved and Stan Hartwich seconded to sign a Contract for Emergency Relief Federal-Aid Road Construction with KDOT. Motion carried 3 to 0.

Upon presentation and discussion with administrator and public works director, Corwin Seamans moved and Stan Hartwich seconded to publish notice of a Budget Hearing for Amending the 2007 Blue Township Sewer Operations Budget. The hearing is scheduled for 10:00 A.M. on December 10<sup>th</sup>. Motion carried 3 to 0.

Corwin Seamans moved and Stan Hartwich seconded to adopt Home Rule Resolution 2007-72 a resolution repealing Home Rule Resolution 2002-31 relating to certain administrative fees charged by the County for certain

special improvement benefit districts and substituting in its place entirely a new policy relating to certain administrative fees charged by the County for certain special improvement benefit districts. Motion carried 3 to 0. (Attachment #2)

Stan Hartwich moved to authorize the Chairman to sign an Employee Contract with John D. Watt as Assistant County Counselor. Tom Doperalski seconded the motion which carried 3 to 0. (Attachment #3)

Greg Riat, sheriff met with the Commissioners to give them a brief update of activities in his department. Greg informed the Commission of problems with the phone system and stated Sprint no longer takes care of those issues. He stated it would cost approximately \$30,000 to update the system. Greg stated he also needs to upgrade dispatch. He will be able to use Wireless 911 Funds to pay for this upgrade. Greg stated a 2 position upgrade would cost \$90,000 and a 3 position upgrade would cost about \$120,000. He will check on the cost of 2 dispatch positions and try for the 3<sup>rd</sup> one within a year.

Corwin Seamans moved and Stan Hartwich seconded to approve the agreement with noxious weed and KDOT Bureau of Construction and Maintenance for spraying road right of way. This agreement reflects a 3% increase in fees. Motion carried 3 to 0. (Attachment #4)

The Commission discussed the economic development funding for the year 2008. Following the discussion, the Commission directed Robert to draft contracts to review and consider next Monday.

Robert asked the Commission if they had any questions or concerns with the development agreement with Dave Nelson. The Commission stated they thought the agreement provided oversight and assurances in the project. They would like to have Bond Counsel review the document; but, they acknowledged he may not be able to get to it in a timely fashion. The Commission asked Robert to see if Gary Conklin would review and provide input on the document to help move the project along.

Robert provided the Commissioners with a copy of the engagement agreement with the auditors for the 2007 annual audit. Following the review of the document, Corwin Seamans moved and Stan Hartwich seconded to approve and sign the agreement. Motion carried 3 to 0.

Robert provided the Commission with a copy of the latest draft of the County's Letter of Credit Policy for them to review and comment on next Monday.

Meeting adjourned at 4:45.

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County Clerk

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Chairman

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Vice Chairman

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Member