

## COMMISSION MINUTES – MONDAY, FEBRUARY 4, 2008

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

The Commissioners reviewed annual reports for Emmett and Clear Creek Townships.

The Chairman signed order to credit allowed claim to delinquent personal property taxes, penalties, and interest forms.

The Commissioners reviewed and approved tax roll corrections.  
(Attachment #1)

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

Stan Hartwich moved and Tom Doperalski seconded to approve the minutes for January 28, 2008.

Gary Conklin, county counselor; John Watt, assistant county counselor, met with the Commissioners to update them on projects they are working on. The Coldwater Creek agreement is completed and needs to be reviewed by Robert Reece, administrator. The Premer Bros. tax appeal issue was settled. Thursday they met with Devin Sprecker, contracted commercial appraiser, to discuss the upcoming tax appeal hearing with AWPM. Conklin updated the Commission on the status of the tax foreclosure project. Watt stated the County has received a payment from Uncopiers for a CDBG Loan that was in foreclosure. This will bring them up to date as of June 30, 2007. Uncopiers want to meet with the State of Kansas and the County to discuss adjustments for future payments. John Watt and Leu Lowrey have met and discussed an agreement regarding the Balderson Blvd project. John has sent the draft to the City of Wamego for review and will provide Robert Reece with a copy for his review.

Stan Hartwich moved and Tom Doperalski seconded to appoint the following to the Board of **Fire District No. 8: James Mulligan, Lee Abitz, Bob Blair, Marvin Clark, and Gary Robbins.** Motion carried 3 to 0.

Corwin Seamans moved and Stan Hartwich seconded to appoint the following to the Board of **Fire District No. 5: John Best, Robert Dickens, Marylin Werring, James Crawford, and Jeff Fleming.** Motion carried 3 to 0.

The Commissioners discussed with Robert Reece, administrator, the engineering contract for Wildcat Woods Phase 2. Robert informed the Commissioners the developer has met all obligations. Stan Hartwich moved and Tom Doperalski seconded to enter into an engineering agreement with Bartlett and West, Inc for design of street, sewer, and water improvements at Wildcat Woods Subdivision Phase 2. Motion carried 3 to 0.

Corwin Seamans asked Robert if there was any reason for the Commission to delay making a financial commitment to the Flint Hills Regional Commercial Air Service Initiative at the Manhattan Regional Airport and if there was anything to be gained by putting it off. Robert stated the Commission has until the end of the month to act on this. They may want to wait to see the actions of other entities such as the State of Kansas, Kansas State University and other surrounding Cities and Counties. Seamans asked what would happen if the other entities wait also. Robert stated he had emailed the Airport Board requesting to be informed of other entities' actions. He felt it is most important to wait to see what the commitments of the State and the University would be on this initiative to gauge how important a regional service would be to help in economic growth in the region.

The Chairman signed a U.S. Dept of Agriculture Statement of Budget, Income and Equity annual finance report for the Fostoria Sewer District.

Eric Ward, chief of Fire District No. 5 and Jim Crawford, fire board member, met with the Commissioners to discuss purchase of two fire trucks. This purchase was discussed with the Commissioners at a previous meeting. Eric requested formal approval for the purchases. The fire board has held a bid opening and chosen a company for the purchase. FEMA will pay 95% of the price of one of the trucks. The fire district has in their budget, enough money to pay the other 5%. The second truck will be handled through a lease/purchase agreement. This will be done through a bidding process of lending institutions. Ward stated the fire district plans to pay off the loan for Fire Station #2 by the end of 2008. The new truck will be set up on a 10

year note. He added the new truck should last 30 plus years. Commissioner Doperalski stated Eric needed to keep in mind the valuation may decrease affecting the annual budget amount. Corwin Seamans stated if the loan for Station #2 is paid off by the end of 2008, the budgeted amount for payment on the new note should be covered. The Commissioners stated Ward should involve the administrator and emergency management director from the beginning stages of a purchase project. Robert stated lease/purchases count against the County's debt limitations. Robert reminded the Commission Cities and Counties both have debt limitations to live within and even though the fire districts do not, the County needs to be concerned about their ability to pay off the debt and not unfavorably impact the County's ability to issue debt. Robert stated he maintains a fire district debt capacity of 30% of that district's annual revenues could be used for debt retirement annually not to exceed 5 mills. This purchase will put the percent for RFD #5 up to 34% to 35%. If the fire district pays off the station #2 note, the percent will be back in the 30% range. Doperalski stated bids and lease purchases should be opened with the Commissioners. There should be no bids submitted until both emergency management and administration have signed off on the proposal. Robert asked Ward to explain the differences in bids for a spec truck as opposed to a program truck. Ward stated a program truck becomes more expensive when options are added. Corwin Seamans moved and Tom Doperalski seconded to authorize Eric Ward to enter into a contract for the purchase of two vehicles for Fire District No. 5. The contract is to be reviewed by the county counselor and signed by the Commissioners and fire district. The lease/purchase agreement is to be submitted to the administrator for review. Robert's office will generate the lease/purchase documents and submit them to the Commissioners for their approval. Motion carried 3 to 0.

Gregg Webster, zoning administrator, met with the Commissioners to present an end of the month building permit report. He presented them with copies of the minutes from the January Planning Commission meeting. Gregg gave the Commission a list of the current planning commission members and information of how they are appointed. The Commission needs to appoint a member from Commission District #2 and two at large members. The Chairman signed mobile home park licenses for Green Valley Mobile Home Park and Rocky Ford Mobile Home Park.

John Keller, county planner, met with the Commissioners to discuss a request for vacation of a portion of a road in Blue Township. Keller stated

all adjoining land owners have been notified. Tom Doperalski moved to sign and publish a notice of hearing to consider the road vacation and to schedule the hearing for March 10<sup>th</sup> at 10:00 A.M. Stan Hartwich seconded the motion which carried 3 to 0. (Attachment #2)

Dustin Trego, management assistant, met with the Commissioners to present a 2007 Utilities Recap for Blue Township. Trego provided information on sewer collections, sewer debt retirement, sewer operations, sewer reserve, water collections, water operations, water reserve, Blue Township sewer plant statistics for 2007, and Timber Creek East Water system usage statistics.

Leu Lowrey, public works director, met with the Commissioners to discuss the contracts for engineering services for street, sewer, and water improvements for Wildcat Woods Subdivision Phase 2. Tom Doperalski moved and Stan Hartwich seconded to publish notification of bid opening on Monday, March 10 at 10:30 for street, sewer, and water improvements at Wildcat Woods Subdivision Phase 2. Motion carried 3 to 0. The Commissioners signed an agreement between Bartlett & West, Inc and Pottawatomie County for engineering plans for sewer, water, and street improvement projects for Wildcat Woods Subdivision Phase 2. (Attachment #3) After discussion of the jail/courthouse committee's recommendation, Stan Hartwich moved and Tom Doperalski seconded to enter into an agreement with Pikul Engineering for up to \$2000 for a preliminary structural report on the courthouse. Motion carried 3 to 0.

The Commissioners signed a developer's agreement with Randy Hupe and Wamego Lumber Co, Inc for Legends Lake Unit Four. (Attachment #4)

Tom Doperalski moved and Stan Hartwich seconded to go into executive session at 11:02 up until 11:10 to discuss purchase of easement. Present for the session will be Leu Lowrey and Robert Reece. Motion carried 3 to 0. Regular meeting resumed with no action as a result of the session.

Corwin Seamans left the meeting at 11:15 to attend a funeral.

Rob Eichman met with Leu Lowrey to sign a plat and then discussed improvements to Excel Road with the Commissioners. Rob stated they are ready to begin the first phase of their business park but have been waiting on the County to pay for the improvements to Excel Road. Robert asked Rob if

he was planning on constructing the road improvements for the business park. Rob stated they would construct and pay for the road improvements. Robert stated the County is considering creating benefit districts for the requested improvements to Excel Road. The developer/land owner would pay the cost of the road improvement that borders the residential or commercial development. The County would consider participating in those improvements especially improvements for the roads that border commercial developments.

Tom Doperalski left the meeting at 11:30.

The Commission adjourned for lunch to reconvene at 1:00.

Tom Doperalski moved and Stan Hartwich seconded to appoint Robert Reece as an ex-officio member to the Pottawatomie County Economic Development Board of Directors. Motion carried 2 to 0. Corwin Seamans was absent. The Commission asked Robert to attend the ECDV meeting this evening at 5:30.

Scott Schwinn, sanitarian, met with the Commissioners to update them on activities in his department in 2007.

Stan Hartwich and Tom Doperalski visited with Al Johnson, Riley County Commissioner by teleconference. Johnson discussed the letter Riley County Commission had sent regarding legislation relating to a RCPD law enforcement substation in Pottawatomie County.

Dan Rowe with Treanor Architects, P.A., met with the Commissioners to discuss options for determining needs for jail and courthouse improvements. Also present were Sherri Schuck, county attorney; Andrea Karnes, attorney office manager; Dustin Trego, management assistant, and Leu Lowrey, public works director. Rowe discussed issues to be considered when deciding what needs to be done and how to finance it. Schuck stated her biggest concern is security and shortage of space. She added if a full time district judge is added in the future, there may be need for another courtroom. Rowe suggested the Commission add 2 or 3 members to the jail/courthouse needs assessment committee. Currently there are 6 members on the committee. Rowe also suggested the Commission not be a part of the committee. Rowe will meet with the committee tomorrow at 11:30 in the

Sunflower Room to present them with the information he shared with the Commissioners today.

The meeting was adjourned.

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County Clerk

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Chairman

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Vice Chairman

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Member