

COMMISSION MINUTES – MONDAY, SEPTEMBER 22, 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.

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

Stan Hartwich moved and Corwin Seamans seconded to approve the minutes for September 15, 2008. Motion carried 3 to 0.

Chris Trudo, emergency management director, met with the Commissioners to update the on activities and projects in his department for the month of September. Topics discussed were: tornado sirens, emergency operations center grant, county mitigation plan, and EMGT office priorities/activities.

Lois Schlegel, county appraiser, met with the Commissioners with an update on her department. Schlegel reported on the status of the ORION system. Sales are down compared to last month. She will attend a court of tax appeals small claims commercial hearing in Topeka. Appraiser staff is continuing data collection on new construction.

Ruth Ensley, coordinator for the aging, updated the Commissioners on activities in her department. Ruth reported on a State KDOT conference she attended in Wichita last week. She obtained scholarship funding to attend. Next month she will attend a National conference in Omaha. Ruth reported on a KDOT T-Link meeting she attended in Topeka on Friday of last week. She is working on a RU20 Federal report sent out by the State. Tomorrow she will attend the Senior Fair in Salina. Ruth reminded the Commission of the annual dinner and meeting on November 6 in St. Marys. Ruth asked if the Commission wanted her to start paperwork for an additional vehicle. The application will be due in December for acceptance next year. The grant she applies for will include operating expenses. The reimbursement check for the mini bus for the month of July was \$4,000. Corwin Seamans requested Ruth provide documentation of what is required and how the grant works for the health needs transportation meeting scheduled for 10:00 next Monday with the Commissioners. The county clerk will check with the health director to see that the information is available to the entities

attending that meeting. Ruth stated hours for mini bus drivers will be deducted for hours sitting and not on the road. Pottawatomie County is not as cost effective as larger urban areas due to the lower number of passengers and more distance driven.

Gregg Webster, zoning administrator presented the Commission signature pages of the site plan for Little Apple Lawn & Landscape on Lot 17 Green Valley Business Park. The Commission signed the document. The site plan was previously approved at their September 8th meeting.

John Keller, county planner, visited with the Commission about appointments to the Planning Commission Board. The Commission stated they would prefer staggered appointments. Corwin Seamans directed Webster and Keller to review the individuals eligible for reappointment and their terms, then submit a recommendation to the Commission.

Keller and Webster reviewed Articles 6 and 7 of the Unified Development Ordinance. Article 6 addresses the residential zoning district and 7 addresses commercial zoning. Tom Doperalski stated he is concerned about lot lines near creeks and streams such as Elbo Creek. He would prefer the lot line limit be no closer than 100 feet from a creek or stream bank. Doperalski stated the County is very fortunate the NRCS paid for 80% of the bank stabilization projects on Elbo Creek and Brush Creek. Keller stated these conditions would apply to the subdivision regulations.

Leslie Campbell, health director, met with the Commissioners for her monthly department update.

Leu Lowrey, public works director, informed the Commission he had received a request from the U.S. Department of Agriculture Natural Resources Conservation Service Project Agreement for Amendment No. 2. This is for the bank stabilization project along Rock Creek on Brush Creek Road in Pottawatomie Township. The amendment is for an additional \$27,000. The County's share would be 25% of that amount. Upon recommendation of Lowrey, Stan Hartwich moved and Corwin Seamans seconded to enter into Amendment No. 2 of the Project Agreement with Natural Resources Conservation Service for grade stabilization along Rock Creek on Brush Creek Road. The amendment is an additional \$27,000 of which the County is responsible for 25%. Motion carried 2 to 1. Tom Doperalski voted against the motion stating the project is more than double

what the contractor agreed on and he has no assurance they won't ask for more before the project is completed. (Attachment #1)

At 10:30, the Chairman declared bidding closed for \$180,000 GO Bonds for Phase 2 sewer and water improvements in Wildcat Woods. The Chairman opened and read the bids. Bids submitted were: Commerce Bank of Kansas City, MO at an interest rate of 4.865859%; and DeWaay Financial Network of Kansas City, MO at an interest rate of 4.99243%. Margaret Parker, management assistant, will visit with bond counsel before submitting a recommendation for accepting a bid.

Leu Lowrey, public works director, discussed with the Commissioners David Nelson's request for cancellation of his letters of credit for the improvements in Elbo Creek Estates Unit 2. All terms of the Development Agreements have been completed. Tom Doperalski moved and Stan Hartwich seconded to release letters of credit No. 07-25 and No. 08-12 between Pottawatomie County and Developers, David D. Nelson and Leon Harold Borck and between the Board of County Commissioners of Pottawatomie and Elbo Creek, L.L.C. Motion carried 3 to 0.

Leu updated the Commission on various projects the road/bridge department is working on.

The Chairman signed a completed Recommendation Form regarding Loss Prevention Visit submitted to the County by a KWORCC representative on August 7, 2008.

At 11:00, the Chairman opened a hearing to discuss levying and assessing special assessments on lots in Wildcat Woods Subdivision street improvements, Phase 2. A cost per lot is assessed at \$10,812.80. As there was no public input, the Chairman closed the hearing at 11:05. Tom Doperalski moved and Stan Hartwich seconded to adopt Resolution 2008-66 levying and assessing on certain lots, pieces and parcels of land liable for such special assessments to pay the costs of certain street improvements in the Pottawatomie County Street Improvement District – Wildcat Woods Subdivision. Motion carried 3 to 0. (Attachment #2)

Tom Doperalski moved and Stan Hartwich seconded to accept the low bid of 4.865859% interest rate submitted by Commerce Bank NA of Kansas City, MO. Motion carried 3 to 0.

Betty Abitz, register of deeds, met with the Commissioners to discuss requests she has received for on-line services. There is an annual set fee for those services of \$800 for all available services and \$400 for limited services. Betty asked if there should be a fee for entities seeking services for part of a year. The Commission directed Betty to visit with Robert Reece, county administrator to confirm, but recommended a \$100 set up fee and then prorate the rest of the cost.

The Commission reviewed and Chairman signed A/P printouts for 9/22/08.

John Keller and Gregg Webster met with the Commissioners to continue their discussion and review of UDO Articles 6 and 7. They will meet again next Monday at 9:00 to discuss more Articles of the document.

Corwin Seamans moved and Tom Doperalski seconded subject to the administrator's approval to sign the SFY 2007 and Year-End Outcomes Report for Adult Intensive Supervised Probation with Shawnee County Department of Community Corrections. Motion carried 3 to 0.

Tom Doperalski moved and Stan Hartwich seconded to adopt Resolution 2008-65 authorizing the issuance of \$180,000 GO Bonds for the purpose of providing funds for Wildcat Woods Subdivision to pay the costs of sanitary sewer and waterline improvements, Phase 2. Motion carried 3 to 0. (Copy on file in Clerk's Office)

Chairman adjourned the meeting at 12:30 P.M.

County Clerk

Chairman

Vice Chairman

Member