

COMMISSION MINUTES – MONDAY, OCTOBER 6, 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 Tom Doperalski seconded to adopt the agenda for today's meeting. Motion carried 3 to 0.

Corwin Seamans moved and Stan Hartwich seconded to approve the minutes for September 29, 2008. Motion carried 3 to 0.

County counselors, Gary Conklin and John Watt updated the Commissioners on projects they are working on.

The County Clerk gave an update on information regarding the upcoming November 4th General Election.

Robert Reece, county administrator, discussed various topics with the Commissioners. Robert stated Leu is providing specs for bids to do maintenance repair on the County Office Building. Jesse McCarter will recaulk the windows, reseal guttering, and paint the eaves at the Health Department. This will cost approximately \$2500.

Robert informed the Commission he has received a draft of a policy the County can use as a guideline for use of UMB Bank Purchase Cards. Robert is also updating various financial policies for the Commission to consider. He will ask the Counselor to update the policy regarding letters of credit. Robert will ask the Commissioners to review these policies for adoption.

Tom Doperalski moved and Stan Hartwich seconded for the Chairman to sign Bond Documents for Wildcat Woods Phase 2 sewer and water improvements. Motion carried 3 to 0. (On file in Clerk's Office)

Tom Doperalski moved and Stan Hartwich seconded for Chairman to sign the KDOT Form TRF 3 for Wildcat Woods street improvement Phase 2. Motion carried 3 to 0. (Attachment #1)

Tom Doperalski moved and Stan Hartwich seconded to adopt Resolution 2008-68 establishing a fund for repayment of KDOT loan for Wildcat Woods street improvement Phase 2. Motion carried 3 to 0. (Attachment #2)

The Commission recessed to view the dispatch center at the jail.

Scott Fischer, with KaCOMM, Inc met with the Commissioners to discuss an upgrade to the 911 system. Also present for the meeting was Greg Riat, sheriff and R J Meierhoff, sales representative with KaCOMM. The current dispatch center has 2 stations, but the Sheriff has requested 3 stations for any future expansion. Scott Fischer stated he will update the estimate and resubmit for the Commissioners approval prior to moving forward with the project. The estimated costs of the improvements are \$160,000. The County has received notification they will receive \$50,000 in grant monies for this upgrade. The County will enter into a lease purchase agreement for the balance of the amount. The lease payment will be paid from the E-911 fund which is the tax revenue received by the County from cell phones. Robert estimated the lease purchase could be paid off in one year. Following the visit, the Commission asked about cost for upgrades of the console or furniture if necessary. Fischer stated he did not think furniture upgrades would be necessary, but that could be as high as \$45,000. The Commission stated they wanted to be sure the new system would be compatible with any employee working at the unit.

Sheriff Riat stated his department had received concerns of speeding on Hwy 24 between Wamego and Manhattan. He will have deputies spending extra time in that area. There will also be Highway Patrolmen assisting. Riat stated their presence is not just for an opportunity to issue citations, but to cause drivers to slow down and drive safer. There will also be additional patrolling on Hwy 63 for Jeffrey workers.

A group of individuals met with the Commission to express concerns of Chapman Road and the problems of erosion created by a developer on that road. Chapman Road is east of St. George. During heavy rains, the erosion causes water and silt to wash down the slope of Chapman and onto Military Trail Road. There is concern of the possible dangers for a school bus to be on that road during such a situation. Hans Tessmann, Mayor of St. George spoke to the Commission about the City's concerns and asked for help in addressing the situation. Only the east half of Chapman Road was included in the description on the document when Riverview Hills Subdivision was

annexed into the City of St. George. The west half of Chapman Road still belongs to the County. The Commissioners stated they are very concerned about the dangers of the situation and unhappy with the developer not being responsible in his construction to avoid the erosion. Tessmann stated the original project manager is aware of the mistake. He, however, is no longer in the area. The Commissioners also discussed the fact that the developer should have had a permit with KDHE regarding the drainage issues and apparently didn't. The Commission stated the road needs to be fixed but can't until something is done to stop the erosion and run off. They feel it is the responsibility of the developer and if something is not done soon to remedy the situation; they are willing to take legal action. Tessmann stated he will contact the individual to inform him of the City's as well as the County's concerns and that something needs to be done soon. Rod Hoover, resident and City Council member, stated he felt a barrier or guard rail should be placed at the bottom of the hill on Chapman Road to stop a vehicle from going into a ravine. Leu Lowrey, public works director, stated the County has cleaned up the silt on Military Trail Road from Chapman Road several times. He stated he will look at the situation and see what the County can do for now. Commissioner Doperalski asked where the drainage was supposed to go for the development area. Derek Milham, employee with the City of St. George, stated the original plan for the subdivision was to be curb and gutter and drainage would go directly west. The plan was engineered and designed. Dana Nelson, resident on Chapman Road, stated at times the road is very dangerous for the school bus to be traveling on. There is no safe place for a bus to turn around to avoid the erosion conditions going onto Military Trail Road. Commissioner Seamans stated since there is no safe place for a bus to turn around on Chapman Road, it could be closed during inclement weather. Tessmann stated he will be addressing the school board and feels they should have an alternate route until the situation is taken care of. Milham stated paving Chapman was part of the TRF agreement. Commissioner Seamans directed Tessmann to contact Robert Reece, administrator, and keep him informed of the results of his contact with the subdivision owner. The Commissioners were in agreement to have the County Counselor send a letter to the owners stating their concerns of the situation and expectations of action to correct it.

Colleen Morris, resource director; and Jim Rush, administrator of Valley Vista Good Samaritan facility in Wamego, met with the Commissioners to discuss with them that facility's plan to construct a Therapeutic Garden.

Morris gave a presentation of the plans and requested a financial donation from them. The Commissioners will consider the request.

Gregg Webster, zoning administrator, presented the Commission with a report of building permits issued for the month of September. He also gave them a copy of the minutes of the September 25th Planning Commission meeting.

Gregg Webster, zoning administrator; and John Keller, county planner met with the Commissioners to review and discuss Articles 11 and 12 of the Unified Development Ordinance. Commissioner Seamans asked about the need to review and discuss extra-territorial area in St. Marys and Wamego. Seamans asked if the County had the authority to take the property back if there is a problem. Keller said they could.

Gary Conklin, county counselor and John Watt, assistant county counselor met with the Commissioners to discuss the contract with Russ Roe and Jack Turner for indigent legal services for Pottawatomie County. Tom Doperalski moved and Stan Hartwich seconded to accept and sign the independent contractor agreement between Pottawatomie County and Attorneys Jack Turner & Russ Roe. The lawyers will provide indigent defense services for all misdemeanors, juvenile, care and treatment, children in need of care cases and any other case arising in and filed within Pottawatomie County, Kansas, except felony cases. Contracted amount for each individual Lawyer is \$52,960 annually. Motion carried 3 to 0. (Attachment #3)

The Commissioners discussed with Conklin and Watt the need to send a letter to the owners of the Riverview Hills Subdivision in St. George regarding the concerns of erosion and dangers that erosion imposes on Chapman Road.

The Commission adjourned for lunch at 12:19.

Rich Seidler and Charlie Bush of McCullough Development met with the Commissioners to discuss future development of property north of McCall Road and the plans for street improvement. The projected cost for the improvement is \$6.4 million. Pottawatomie County's share to participate is 25% or approximately \$1.6 million. The \$6.4 million does not include upgrade of the intersection of Hwy 24 and McCall Rd. The Commission

will review and discuss the information presented today and visit again with McCullough.

John Watt, assistant county counselor, discussed with the Commissioners the 2002 McCall Road contract. The contract needs to be considered with or without Menard's opening a business in the area. The Commission wants to be sure the dollar amount is fair.

Leu Lowrey, public works director, discussed the project involving Elk Creek, Elbo Creek, and Excel Roads. Corwin Seamans moved and Stan Hartwich seconded to authorize Leu Lowrey to finalize the plans for bidding the Elk Creek, Elbo Creek, and Excel Roads project. Leu stated the project might be able to go out for bids before the 1st of the year with a possible start time of March or May. The motion carried 2 to 1. Tom Doperalski voted against the motion stating he feels the developers need to help with costs of the street improvement.

The Commission reviewed and Chairman signed A/P printouts for October 6, 2008.

The Chairman adjourned the meeting at 3:00. The Commissioners and Robert drove to St. George to view the areas of concern on Chapman Road.

County Clerk

Chairman

Vice Chairman

Member