

County Commission  
August 10, 2009 9:00 a.m.

The Board of County Commissioners met in regular session in the Commission room of the Sumner County Courthouse. Those present were Commission Chairman Garey E. Martin, Commissioner Jim D. Newell, and Commissioner Eldon B. Gracy. Also present was County Clerk Shane J. Shields. The meeting was opened with the Pledge of Allegiance. Marvin Simonton was present. Last week's meetings for August 3 and 4 were cancelled due to the illness of both Chairman Martin and Commissioner Gracy.

Kourtney Carson entered the meeting at 9:25 a.m.

Road and Bridge Director Melvin Matlock met with the Commission. He requested an executive session to discuss non-elected personnel. At 9:32 a.m., the Commission entered into executive session with Director Matlock for 10 minutes to discuss non-elected personnel. County Clerk Shields also remained present for the session. The Commission reconvened in open session at 9:36 a.m.

Director Matlock discussed a concern with the future possibility of wind energy and farms in the county. In his discussion with representatives of other counties there is a concern of road damage and then long-term maintenance. He asked that the Commission consider road maintenance in any agreements. Chairman Martin advised they are aware of the road issues some of the other counties have experienced and that will be a consideration.

Community Corrections Director Brad Macy met with the Commission. He submitted the year-end quarterly report for the Commission's approval. Director Macy reviewed details of the report and to what extent the goals and objectives were met for FY09.

At 10:30 a.m., a conference call was held regarding the CDBG-R grant awarded for the sewer project for the Peck Improvement District. Present were Janis Hellard, Jean Orton, and David Carr of the Sumner County Economic Development Commission. Those participating by phone included Sandy Ring, South Central Kansas Economic Development District (SCKEDD), and the officers for Peck Improvement District, Al Reiss of Reiss and Goodness Engineers, and representatives of the Kansas Department of Commerce (KDOC), and USDA Rural Development. The steps and actions needed to proceed with the project were reviewed and discussed. The Improvement District will submit a letter to Kansas Department of Health and Environment regarding the bid process including a bid for an alternative hybrid system. The County will submit several necessary documents to KDOC. Once a release of funds has been granted the bid process may proceed.

A discussion was held regarding the Neighborhood Stabilization Program. Sandy Ring participated by phone along with Daniel Crook of SCKEDD. Janis Hellard, Jean Orton, and David Carr also remained present. At this point, two possible projects for the program have been identified, one in Caldwell and one in Wellington. Disseminating a letter with more information to communities for project applications was considered and will be worked on. Potential projects must be confirmed to be eligible and then the Board of County Commissioners decide which project/s proceed. There is limited funding for the program.

County Counselor Jack Potucek met briefly with the Commission. He was asked to contact Shannon Kelly and see if the scheduled meeting on tomorrow's agenda could be moved to 10:30 a.m. Chairman Martin advised that due to his medical condition of a dislocated hip he would only be able to remain present in the morning.

The Commission received a request from Marcia Bartelson, grant coordinator for the Community Drug Action Team, for waiver of the fee for use of the Raymond Frye auditorium. A meeting is scheduled where training will be provided to various officials by an Assistant Attorney General. The Commission unanimously waived the fee, but advised that any applicable deposit would still be required and held until after the event.

The Commission unanimously approved and adopted the revisions to the Sumner County Personnel Policy and Procedures Manual. The revisions are effective as of adoption.

The Commission unanimously approved the minutes for July 27 and 28.

The Commission unanimously approved tax abatement orders in the amount of \$716.76. Prior year orders in the amount of \$600.42 were also approved.

County Counselor Jack Potucek reported to the Commission that he was able to contact Carl Kelly. The Kelly's appointment on tomorrow's agenda scheduled for 1:30 p.m. can be moved to 10:30 a.m.

There being no further business, the Board of County Commissioners adjourned at 12:05 p.m.

I do hereby certify that the foregoing is a true and correct copy of the proceedings of the Board of County Commissioners held on the above date.

Garey E. Martin, Chairman

Shane J. Shields, County Clerk

County Commission  
August 11, 2009 9:00 a.m.

The Board of County Commissioners met in regular session in the Commission room of the Sumner County Courthouse. Those present were Commission Chairman Garey E. Martin, Commissioner Jim D. Newell, and Commissioner Eldon B. Gracy. Also present was County Clerk Shane J. Shields. The meeting was opened with the Pledge of Allegiance. Marvin Simonton was present.

The Commission held public hearings on three zoning cases. Planning and Zoning Director Jon Bristor, Assistant Director Mary Jenkins, Administrative Assistant Melinda McCurley, and several other individuals were present. The first zoning case heard was No. 24PC-09. The application was by Elmer J. Naasz and O. Irene Naasz, owners, Alternity Wind Power, LLC, Jim Ansell, Chief Development Officer, agent. The purpose is for a conditional use for the construction of a single meteorological tower for wind research. The location is 20<sup>th</sup> Avenue between Oliver and Hillside Roads. Director Bristor reported there was no opposition voiced at the Planning Commission meeting. The Planning Commission, with 9 members present, unanimously recommended approval for a period of 6 years or less. The Commission unanimously adopted Resolution 2009-43 approving Case No. 24PC-09.

The second case heard was No. 25PC-09. The application was by Bertha K. Jenkins, owner, Connie Atkinson and Charles Jenkins, agents. The purpose is for a zone change of a five or nineteen acre tract from A-3 Agricultural District to A-R Agricultural Rural District. The location is 259 S. Springdale Rd. The owner qualifies for a one-time split and platting will not be required. Director Bristor reported there was no opposition voiced at the Planning Commission meeting. The Planning Commission, with 9 members present, unanimously recommended approval of the case. The Commission unanimously adopted Resolution 2009-44 approving Case No. 25PC-09.

The final case heard was No. 26PC-09. The application was by Robert E. Shobe and Vickie D. Shobe, owners. The purpose is for a zone change from A-2 Agricultural District to R-R Rural Residential District. The owner qualifies for a one-time split and platting will not be required. A joint on site inspection with planning staff and surveyor is required prior to survey. Inspection of water and wastewater system will be required should property transfer. Director Bristor reported there was no opposition voiced at the Planning Commission meeting. The Planning Commission, with 9 members present, unanimously recommended approval of the case. The Commission unanimously adopted Resolution 2009-45 approving Case No. 26PC-09. Director Bristor cited the statutory appeal process available in every zoning case.

Mr. and Mrs. Jared Friess met with the Commission regarding a project under the Neighborhood Revitalization Program (NRP). Carolyn Farley, of the Appraiser's office, was also present. Mr. Friess asked for an extension for his existing project. After discussion, the Commission unanimously approved a six-month extension. If the project is not completed by January 1, Mr. Friess will contact the Appraiser's office. The Commission also reminded Mr. Friess that taxes must remain current during the full NRP term of the project.

County Clerk Shields submitted the contract renewal for the State Employee Health Plan for Non-State Public Employers with the Kansas Health Policy Authority. The renewal is for a three-year term, 2010 through 2012. The Commission unanimously approved the contract and it was signed.

Shannon Kelly, attorney and resident of London Township, and a number of residents in the township met with the Commission regarding a road issue. Concerns were presented regarding the possibility of any permanent closing of a portion of 130<sup>th</sup> Ave North in London Township. The portion is in the 600 block east or just east of West Road and it is currently closed by the Township. Ms. Kelly provided the details and history of the issue. She believes the Township has closed the road without following state statutes. She reported a petition, with approximately 70 signatures, to repair and open the road was submitted to the Township. No positive response has been received from the Township. Ms. Kelly said it is her understanding that the County's Road and Bridge Director Matlock has recommended to the Township that the road should be repaired. She cited the problems and issues created with the road being closed relating to school bus routes, mail routes, and emergency response.

Carl Kelly also spoke and explained the history of the problems with the road. He said the road was not entirely impassible until after the township closed the road to the public. He said we understand the separation of township and county authority. At this point, we are asking that the county not take any action to permanently close the road.

He advised they are exploring other avenues to keep the road open and pursuing other means on the matter. Chairman Martin advised that the county has taken no action to close the road. County Counselor Potucek also offered information.

Counselor Potucek explained the county's response to recent correspondence received from the township. He advised the statutory requirements for the township to give the road to the county were not met. The county did not accept the road. He explained the statutory requirement for a township to give a road to the county requires that there has to be agreement of both entities. Counselor Potucek also explained that the Commission does not have authority over the township. He explained another process where a request to vacate a township road can be made to the Commission. He said that has not occurred. Mr. Kelly said we understand you can't solve our problem, we ask that you do not do anything to harm us by closing the road if a request is made.

Several representatives of Deseret Health Group met with the Commission, including Jon Robertson, Chief Executive Officer. An update on the status of the facility and operations was provided. Nikki Teel, Administrator for the local facility Slate Creek Nursing and Rehabilitation, reported there are currently no outstanding quality issues from State or Federal surveys. As for building concerns structurally, the air conditioning will need to be replaced within the next year. The Commission advised that they are aware of the item from reports from the county's Maintenance Director Gary Yoder. Mr. Robertson discussed long-term plans.

Mr. Robertson discussed the original plan was to build a new facility in the community within five years. He said due to the current economy and the unknowns related to health care reform that may not occur. He inquired if renovating the existing building had ever been considered. Renovation would allow use of the other floors for other forms of housing. He briefly discussed the potential that exists for the facility. Commissioner Newell said that the Commission has never been asked about renovation. Mr. Robertson said his company would develop some ideas and return to the Commission in a few months. He thanked the Commission for their support of the facility.

At 11:30 a.m., the Commission conducted the public hearing for the 2010 budget. Those present included Elliott Jackson, county auditor, E911 Director James Reed, Road and Bridge Director Melvin Matlock, County Counselor Potucek, and Theresa Lee of the Wellington News. The completed 2010 budget document was submitted to the Commission. Mr. Jackson noted several items regarding the 2010 budget in comparison to 2009 including valuation is down \$3,437,904 or 1.9%, the levy is up .5 mill or .8%, dollars levied are down \$111,175 or 1.1%. If the same dollars were levied as in 2009, the mill rate would have to increase 1.135 mills. Impacting the employee benefits fund is health insurance, which is up \$219,141 or 13.9%. Several capital outlay type expenses for 2009 and 2010 have been eliminated from the budget. Previously accumulated equipment reserve funds in the amount of \$190,202, which equals 1.084 mills, have been used to keep the levy increase at the .5 mills. Commissioner Newell asked about the valuation.

The most significant reduction in value is in the oil and gas valuation. Oil and gas value last year was around 13.3 million and this year it is about 9.5 million. The value is down due to exemptions enacted by the State. Director Reed also talked about other areas where State funding has been reduced including the demand transfers that have never been returned. Director Matlock discussed equipment replacement and the difficulty with getting farther and farther behind. The Commission gave praise for the assistance given by all the directors in keeping expenses down. Commissioner Newell expressed regret that the budget does not include raises for employees. Chairman Martin said we were able to accomplish the budget without lay-offs or furloughs. With no further public comment offered, the Commission unanimously adopted the 2010 County budget and the 2010 budgets for the special districts. The 2010 county department staffing levels were also unanimously approved.

Counselor Potucek and Director Matlock discussed an issue relating to the former county landfill. The State has informed the City of Wellington that the City has the responsibility to continue monitoring the entire site even though they did not purchase the entire property from the county. Monitoring wells are already in place, so there simply needs to be an easement created where the county allows access to the city to perform the monitoring. The Commission authorized Counselor Potucek to create the necessary document.

The Commission asked Counselor Potucek to review documents received from the USDA Farm Service Agency (FSA) regarding a long-term lease of office space at the Raymond Frye complex. They asked that he contact the

FSA representative from Manhattan for clarification. The documents appear to contain extensive requirements that have never been addressed in previous years.

The Commission unanimously approved tax abatement orders in the amount of \$500. Prior year orders in the amount of \$1,000 were also approved.

The Commission reviewed and unanimously approved claims in the amount of \$180,442.51.

The Commission reviewed a bid for tile carpet on the court floor. The bid was obtained by Maintenance Director Gary Yoder. The carpet would be in the District Court main office and the juvenile court offices. The Commission unanimously approved the bid from Gaston's Floor Covering in the amount of \$7,551.60. The cost will be paid from the Capital Improvement fund.

There being no further business, the Board of County Commissioners adjourned at 12:22 p.m.

I do hereby certify that the foregoing is a true and correct copy of the proceedings of the Board of County Commissioners held on the above date.

Garey E. Martin, Chairman

Shane J. Shields, County Clerk