

SEWARD COUNTY BOARD OF COMMISSION

DATE: September 3, 2013

TIME: 5:30 p.m.

CALL TO ORDER: Chair Linenbroker

PLEDGE OF ALLEGIANCE: Chair Linenbroker

INVOCATION: Gary Warden

LOCATION: 515 N. Washington
Commission Chambers
Liberal, KS 67901

PRESENT
COMMISSIONERS: Ada Linenbroker
Doug LaFreniere
Randy Malin
Jim Rice
CJ Wettstein

COUNTY ADMINISTRATION: April Warden

CLERK'S OFFICE: Vanessa Reeve

CITIZEN COMMENTS: NONE

1. APPROVE AGENDA: ADDITION/DELETIONS

There were no additions or Deletions to the Agenda.

Commissioner Rice moved to approve the Agenda. Vice Chair LaFreniere seconded the motion; motion carried 5-0

2. CONSENT AGENDA

ITEMS	DATE	AMOUNT	NUMBERS
Minutes	August 5, 2013	N/A	N/A
Payroll	August 19, 2013	\$293,336.33	N/A
Payroll(Sage/OK)	August 19, 2013	\$ 19,194.33	N/A
Payroll	August 30, 2013	\$290,593.46	N/A
Payroll(Sage/OK)	August 30, 2013	\$ 17,948.02	N/A

Vouchers	August 14, 2013	\$469,462.16	15138-151868
Vouchers	August 28, 2013	\$214,232.81	151869-152104
Abates	September 3, 2013	\$ 5,291.10	N/A
Escapes	September 3, 2013	\$ 1,064.90	N/A
Crossing Permits	September 3, 2013	N/A	13-12

REQUISITIONS

DEPARTMENT	ITEM	VENDOR	AMOUNT	LINE ITEM
Co Equipment	Carpet Cleaner for Event Center	Daimer Industries	\$1,585.00	3-330-31100-481
Waste Hauling	Plasma Cutter for Landfill-Guymon Location	West Air	\$1,420.00	3-269-33000-480
Co Technology	Anti-Virus for Health Dept	Paragon	\$810.00	3-100-31166-247
Co Technology	Anti-Virus for County Attorney	Paragon	\$810.00	3-100-31166-247
Co Technology	Anti-Virus for Health Dept District Court	Paragon	\$810.00	3-100-31166-247
Co Technology	Anti-Virus for Co Technology	Paragon	\$1750.00	3-100-31166-247

Vice Chair LaFreniere moved to approve the Consent Agenda. Commissioner Malin seconded the motion; motion carried 5-0.

3. NEW EMPLOYEES

**Jessica R. Harp Sheriff Department
Troy E. Emery Maintenance
Haley J. Navarrett Attorney's Office**

4. EXPIRED OIL & GAS WARRANTS

Joyce Wigner, Treasurer's Office Tax Clerk, presented the board with the proposed write-offs for the 1984 and 1985 expired warrants for oil and gas.

Commissioner Wettstein moved to give the Treasurer's Office permission to write off the 1984 and 1985 expired warrants for oil and gas in the amount of \$531,500. Vice Chair LaFreniere seconded the motion; motion carried 5-0.

5. SCALE DECK BID

As published in the High Plains Daily Leader on Tuesday, August 13th, and Thursday, August 15th, 2013. At 2:00 p.m. on Friday, August 23, 2013, bids for the Scale Deck Replacement were opened in the County Clerk's Office. Two (2) bids were turned in for consideration. Salina Scale Sales and Service Inc. bid was for \$67,900 and Hammel Scale was \$81,418. Mike Tabor stated that the Salina Scale Sales bid, should be \$77,590 not \$67, 900.

Commissioner Rice moved to accept the bid from Salina Scale Sales & Service Inc. in the amount of \$77,590 to come out of the Landfill Capital Outlay Budget. Commissioner Malin seconded the motion; motion carried 5-0.

6. DISPOSAL OF ASSET 2007 FORD PICKUP

As published in the High Plains Daily Leader and Times on August 18, 2013. At 12:00 p.m. on Tuesday, August 27, 2013, bids for sealed offer for the sale of a 2007 Ford Pickup were opened in the County Clerk's Office. Two (2) bids were turned in for consideration. Keith Bridenstine sealed offer was \$250 and Devin Ryan sealed offer was \$500.

Commissioner Wettstein moved to accept the offer from Devin Ryan for the 2007 Ford pickup in the amount of \$500. Vice Chair LaFreniere seconded the motion; motion carried 5-0.

7. WAIVER OF MANUFACTURED RV CODE

Marcie Weatherly, P&Z director presented the Board with a request for waiver of Manufactured Home and RV Code storage requirement from Alberto Acosta. Mr. Acosta is requesting the waiver to store his RV on his vacant lot while he builds his house. He stated that he plans to have his house build within a year.

Commissioner Rice moved to allow the waiver of Manufactured RV code for Alberto Acosta for a period of one year with no occupancy. Chair LaFreniere seconded the motion; motion carried 5-0.

8. POSTAGE MACHINE BID

As published in the High Plains Daily Leader on August 18th, 2013 and August 25th, 2013. At 12:00 p.m. on Wednesday, August 28, 2013, bid(s) for the Postage Machine were opened in the County Clerk's Office. There were two (2) bids turned in for consideration.

Company Name	Option 1	Option 2
Pitney Bowes	\$247.12/month	\$388.33/month
Midwest Mailing Systems	\$355.00/month	\$595.00/month

April Warden, County Administrator informed the Board that Southern Office Supplies submitted a late bid. Commissioner Wettstein moved to accept the late bid from Southern Office Supplies. Commissioner Rice Malin seconded the motion; motion carried 5-0.

Commissioner Rice moved to table the postage machine bid until next Board meeting. Commissioner Malin seconded the motion; motion carried 5-0.

9. AMERICAN RED CROSS UPDATE

April Warden, County Administrator updated the Board that Red Cross Branch Manager Sherry Helmke retired on August 30, 2013. The Red Cross office will still be open on a part-time basis at this time.

10. WIND PROJECT RESOLUTION

Commissioner Wettstein moved to adopt Resolution 2013-07, a resolution extending the Cimarron Wind Project plan indefinitely until which time an estimated date for starting construction activates can be arrived at. Commissioner Rice seconded the motion; motion carried 5-0.

To see Resolution 2013-07 in its entirety, see page 6.

11. HORSE BARN PROJECT

Commissioner Wettstein updated the Board on the horse barn stalls located at the fairgrounds. The horse barn can hold up to 18 stalls plus an area upfront to store hay etc. He stated that ten stalls have been completed and all work has been by donation of supplies and/or labor. He would like the Board to rent the stalls for \$20.00 per stall per night, with the funds to be used to complete the remaining 8 stalls, provide a wash rack and landscaping work

around the barn and to the north of it. April Warden, County Administrator, suggested creating a line item account in the Event Center to help track the horse stall income.

Vice Chair LaFreniere moved to create a line item account within the Event Center, to help keep track of the horse stall income. Commissioner Malin seconded the motion; motion carried 5-0.

12. ADMINISTRATION COMMENTS

April Warden provided the Commissioners with an update of activities for the past two weeks.

13. COMMISSION COMMENTS

Each of the commissioners had an opportunity to report on liaison meetings they had attended during the last two weeks.

14. SUGGESTION CARDS

There were no suggestion cards.

ADJOURN

Commissioner Malin moved to adjourn. Commissioner Rice seconded the motion; motion carried 5-0.

The meeting adjourned at 6:25 p.m.

Ada Linenbroker, Chairperson
Seward County Commission

Stacia D. Long
Seward County Clerk

RESOLUTION NO. 2013-07

A RESOLUTION AMENDING RESOLUTION 2012-05 FOR THE LIMITED PURPOSE OF PERMITTING A THIRD EXTENSION OF THE DATE BY WHICH TERMS AND CONDITIONS MUST BE SATISFIED BEFORE THE ISSUANCE OF CONDITIONAL USE PERMIT NO. CU 2010-01 FOR THE CIMARRON WIND PROJECT

BEFORE the Board of County Commissioners ("Board") of Seward County, Kansas ("County"):

WHEREAS, on the 5th day of April, 2010, the Board adopted Resolution 2010-06, which ratified, confirmed and approved the issuance of CUP No. CU 2010-01 to Cimarron Wind Project, LLC ("Cimarron"), subject to terms and conditions stated therein.

WHEREAS, Resolution 2010-06 further provided that the conditions required therein shall be satisfied within 18 months of the date of the resolution, or CUP No. CU 2010-01 will be considered void and a new CUP Application will have to be submitted and approved by the Board.

WHEREAS, the Board and Cimarron worked together to reach an agreement regarding a Road Maintenance and Easement Agreement, a Wind Farm Decommissioning Security Agreement, and other contracts agreeable to both parties, requiring an extension of time to July 5, 2012, in which to meet the conditions of Resolution 2010-06.

WHEREAS, one of the terms and conditions of Resolution 2010-06 is that a final development plan be prepared by Cimarron and submitted to the Board.

WHEREAS, Cimarron has advised the Board that due to certain critical details of the project's design that cannot yet be finalized, and in order to avoid costly revisions of the project design engineering, Cimarron needs additional time in which to complete and submit a final development plan, which shall be subject to the approval of the Board.

WHEREAS, for the reasons stated, Cimarron requests an indefinite postponement of the project plan requirements until such plans are definite and the actual configuration of the site and project are known, by which to meet the conditions of Resolution 2012-05 and CU 2010-01.

WHEREAS, the Board finds there is good cause for Cimarron's request for indefinite period of time to meet the conditions as required by Resolution No. 2012-05 and CU 2010-01.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

That Section 2 of Resolution 2010-06 shall be amended solely to provide and state that the time by which the conditions required by Resolution 2012-05 and CU 2010-01 must be met shall be extended indefinitely. **PROVIDED HOWEVER**, that this resolution may be amended by the Board, in its sole discretion, to set a time certain by which said conditions are to be met. The Board shall provide 60 days notice to Cimarron prior to any meeting at which this resolution is proposed to be amended.

2. That all other provisions, terms and conditions of Resolution No. 2010-06 shall remain in full force and effect as originally adopted by the Board.

ADOPTED this 3rd day of September, 2013.

**BOARD OF COUNTY COMMISSIONERS
OF SEWARD COUNTY, KANSAS**

By: _____
Ada Linenbroker, Chair

ATTEST:

Stacia Long, Clerk