

Minutes of Proceeding  
Ottawa County Board of Commissioners  
March 22, 2021

Office of the Ottawa County Clerk  
8:00 a.m.  
Regular Session

The Board of Commissioners met in regular session with First District Commissioner Dawn Wolf, Second District Commissioner Scott Mortimer, Third District Commissioner D. D. Malmberg, and County Clerk Mary Arganbright.

Commissioner Wolf opened the meeting in prayer and then led the group in the flag salute.

Mary Arganbright, Ottawa County Clerk, gave the board the minutes from March 15, 2021. Commissioner Malmberg moved to approve the March 15, 2021, minutes. Commissioner Mortimer seconded. Motion carried, 3-0. Mary gave the commissioners a job description to sign. Mary gave the commissioners the By-Laws, Articles of Incorporation, and IRS Federal ID number documentation that were emailed to her from Owen Kindall, Ottawa County Community Development Foundation. She also gave them the letter from the Kansas Department of Health and Environment saying the 2021 Ottawa County Solid Waste Management Plan Annual Review was approved that she sent in.

JoDee Copple, County Treasurer, came in and gave the commissioners a new signature card for them to sign from the Bennington State Bank. She gave them a list of all properties that qualify for a tax sale which has 51 names on it. She has given the list to the county attorney twice. She went through part of the process but said they should contact the county attorney for more information.

Seth Odette and Shawn Esterl, Saline County Environmental Sanitarians, gave the commissioners the 2020 end of year statistics report.

At 9:00 a.m., the commissioners held a zoom meeting with Scott Sproul, President/CEO of the Northwest Kansas Economic Innovation Center Inc., with Keith Coleman, Sheriff present. Mr. Sproul discussed opportunities for Ottawa County through Economic Development with staff recruitment and retention with the help of a program rolling out in June 2021. After the presentation, the group said that they would look at their options. Keith gave prisoner count of Saline County 25 and Ottawa County 4.

Greg Dockins, Road & Bridge Administrator, reported on what crews were doing. Greg let the commissioners know that Eagle Communications does not give a discount for paying the internet by the year any longer. He will continue to receive the billing by email. Greg said that he is short on pickups and wondered if it was ok to look on PurpleWave for a couple of older pickups. The commissioners approved.

Commissioner Mortimer sent Commissioner Wolf and Commissioner Malmberg via email, a sample contract from Sheridan County on how they handle hiring farmers to mow.

Keith Coleman, Sheriff, stopped in and asked the commissioners if he was to take the roof repair and walk-in cooler out of the Law Enforcement Capital Outlay fund. Commissioner Mortimer moved to pay the walk-in cooler out of the Law Enforcement Capital Outlay fund for \$9,502. Commissioner Malmberg seconded. Motion carried, 3-0.

At 10:00 a.m., the commissioners started with the first of three special use permit zoning hearings. Present for the hearings was Truette McQueen, County Zoning Administrator, Brent Randolph, Nextline Internet, JoDee Copple, 446 K-106 Hwy., Minneapolis, and Lee Ann Sparks, Self-Rezoning Commercial in Culver. The first hearing, SU 001-2021, is for a Telecommunications Tower, located at 404 W Washington, tract in W ½ SE ¼ of 1-12-03W. Commissioner Wolf called agenda item # SU 001-2021, for an application for the establishment of a Telecommunication Tower as a Special Use in the A-1 Agriculture District. Commissioner Wolf asked if the board members intended to disqualify themselves from discussing and voting on the case because they have conflict of interests or a particular basis on the matter. No commissioner had any conflicts. Commissioner Wolf determined they now have a quorum of 3 present for the consideration of the case. Commissioner Wolf asked the County Clerk if she had received any protest

petitions on the case. The County Clerk said no. Commissioner Wolf asked if there are any communications to consider on the matter other than from the planning board? No one responded. Commissioner Wolf asked the board members if they have all received copies of the unapproved minutes of the Planning Board for March 3, 2021, which summarizes the hearing on the case? All board members said yes. Commissioner Wolf asked the applicant and members of the public present, 1) if they feel they had a fair and impartial hearing, response was yes, and 2) after the Zoning Administrators report, she will ask if there is any new information on the case not otherwise presented. Truette gave the Zoning Administrator's report and went through the recommended conditions for special use 001-2021. The Zoning Board approved the case unanimously. Commissioner Wolf asked if there were any questions for the Zoning Administrator from the Board Members? Brent Randolph clarified with Truette that he thought the maximum height was 120 feet including any appurtenances that may be attached such as a lightning rod instead of 130 feet. Voting was postponed until the recording could be verified of the height.

The second hearing, SU 002-2021, is for a Telecommunications Tower, located at 446 K-106 Hwy., SW ¼ 12-12-4. Commissioner Wolf called agenda item # SU 002-2021, for an application for the establishment of a Telecommunication Tower as a Special Use in the A-1 Agriculture District. Commissioner Wolf asked if the board members intended to disqualify themselves from discussing and voting on the case because they have conflict of interests or a particular basis on the matter. The commissioners said no there were no conflicts. Commissioner Wolf determined they now have a quorum of 3 present for the consideration of the case. Commissioner Wolf asked the County Clerk if she had received any protest petitions on the case. The County Clerk said no. Commissioner Wolf asked if there are any communications to consider on the matter other than from the planning board? No one responded. Commissioner Wolf asked the board members if they have all received copies of the unapproved minutes of the Planning Board for March 3, 2021, which summarizes the hearing on the case? All board members said yes. Commissioner Wolf asked the applicant and members of the public present, 1) if they feel they had a fair and impartial hearing, response was yes, and 2) after the Zoning Administrators report, she will ask if there is any new information on the case not otherwise presented. Truette gave the Zoning Administrator's report and went through the recommended conditions for special use 002-2021. The Zoning Board approved the case unanimously. Commissioner Wolf asked if there were any questions for the Zoning Administrator from the Board Members? Brent Randolph stated that for both towers the request for the need of the towers came from the Bennington School District. Voting was postponed until recording could be verified of the height. After the recording was verified, it was determined that it was as stated on the board of commissioner's paperwork of 130 feet in height, and not 90 as stated in the zoning administrator's report. Commissioner Wolf moved to accept Resolution 21-07 to adopt the findings and factors and recommendation of the Planning Board on Case No. SU 001-2021 and to approve Resolution 21-07. Commissioner Mortimer seconded. Motion carried, 3-0. Commissioner Wolf moved to accept Resolution 21-08 to adopt the findings and factors and recommendation of the Planning Board on Case No. SU 002-2021 and to approve Resolution 21-08. Commissioner Mortimer seconded. Motion carried, 3-0.

The third hearing, SU 003-2021, is for a Used Vehicle Sales, located at 148 N 90<sup>th</sup> Rd., Tescott, Ks. Commissioner Wolf called agenda item # SU 003-2021, for an application for the establishment of a Used Vehicle Sales as a Special Use in the A-1 Agriculture District. Commissioner Wolf asked if the board members intended to disqualify themselves from discussing and voting on the case because they have conflict of interests or a particular basis on the matter. The commissioners said there were no conflicts. Commissioner Wolf determined they now have a quorum of 3 present for the consideration of the case. Commissioner Wolf asked the County Clerk if she had received any protest petitions on the case. The County Clerk said no. Commissioner Wolf asked if there are any communications to consider on the matter other than from the planning board? No one responded. Commissioner Wolf asked the board members if they have all received copies of the unapproved minutes of the Planning Board for March 3, 2021, which summarizes the hearing on the case? All board members said yes. Commissioner Wolf asked the applicant and members of the public present, 1) if they feel they had a fair and impartial hearing, response was yes, and 2) after the Zoning Administrators report, she will ask if there is any new information on the case not otherwise presented. Truette gave the Zoning Administrator's report and went through the recommended conditions for special use 003-2021. The Zoning Board approved the case unanimously. Commissioner Wolf asked if there were any questions for the Zoning Administrator from the Board Members? There was no

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response. Commissioner Wolf asked if the applicant had any new information. Lee Ann Sparks said that they have sufficient gravel now and wondered if the gravel needed to be extended. The group stated they felt the area looked very well kept, and the 10' buffer area south and west side of tree line will not be required to be graveled. Commissioner Wolf moved to accept Resolution 21-09, and to adopt the findings and factors and recommendation of the Planning Board on Case No. SU 003-2021 and to approve Resolution 21-09. Commissioner Mortimer seconded. Motion carried, 3-0. Truette reported that in the near future there will be a subdivision plat for 1 plot for the commissioners to review and approve.

Commissioner Mortimer moved to go into executive session at 10:55 a.m. for fifteen minutes to discuss confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships. Commissioner Malmberg seconded. Motion carried, 3-0. Those present were the commissioners, and Mary Arganbright, County Clerk. They returned to regular session at 11:10 a.m. No decision was made.

Commissioner Malmberg sent Commissioner Wolf and Commissioner Mortimer an email from Emily Benedick, North Central Regional Planning Commission.

Bret Shogren and Stephen Shogren, Stifel, Public Finance, met with the commissioners to discuss the bonds that have been issued for the Ottawa County Health Center. The hospital bonds were issued in 2014. Steve mentioned that tax-exempt interest rates are very low. Steve and Bret discussed bond refunding on the hospital bonds, however they would have to be taxable as the bonds are not callable until after 10/1/2022. Steve said that as of several weeks ago, this would have worked for the county, but as of to date, it will not. He wanted the commissioners to do the paperwork and have it ready to go when the interest would be as such to provide savings to the county. After discussion, Commissioner Malmberg moved to accept Resolution 21-10, to refund the existing hospital bond. Commissioner Mortimer seconded. Motion carried, 3-0. All required documents were signed.

Richard Buck, County Attorney, stopped in and the commissioners asked him about the tax sale. The commissioners said that if he was willing to give the County Treasurer the letter, she would send it out. Richard said ok.

The commissioners will hold interviews for the Human Resource/Payroll position on April 5, 2021.

With no further business before the board, Commissioner Mortimer moved to adjourn the meeting at 12:15 p.m. Commissioner Malmberg seconded. Motion carried, 3-0.