

The Board of Commissioners met in regular session with Commissioner Kathy M Luthi, Commissioner James P Kay, Commissioner Ray McGavran and County Clerk Mary Arganbright.

Commissioner Luthi opened the meeting with the flag salute and prayer.

Truette McQueen, County Appraiser, talked to the commissioners about mutually sharing a GIS coordinator with Mitchell and Osborne County. It was decided to entertain talks with both counties to see what they can come up.

At 8:30 a.m., the commissioners held a zoning hearing for an application for the establishment of a Cell Tower as a special use in the A-1 agriculture district, SU 004-2012, location Tract in NE ¼ of 29-10-5W, 1363 N 20th Rd, Ada, Ks. Those present were Truette McQueen, Zoning Administrator, Susan and Michael Miller, Hazel Van Meter, Reta Fae and Ken Kelly, Ryan Kelly, Arlen Bacon, Sharon Larson, Wendy Florian, and John Hendrick. Commissioner Luthi called agenda #2, SU 004-2012, application for the establishment of a cell tower as a special use in the A-1 agriculture district. Commissioner Luthi asked the board members if any of them intend to disqualify themselves from discussing and voting on this case because they have conflicts of interests or a particular bias on this matter. Board members replied with no. It was called to the commissioners attention that they were being recorded and video taped by the public. Commissioner Luthi asked the County Clerk if any protest petitions were submitted on this case. The County Clerk replied with yes. Commissioner Luthi asked if they constituted the statutory required 20% names. The County Clerk replied with she accepted them from the Miller's on 10/18/12, at 3:38 p.m. She date/time stamped them and immediately took them to the County Zoning office. Truette replied that the calculated acreage needed was 18.68 acres to meet the 20% required, and that after reviewing the petitions they had 14.29 acres, therefore this will not require an unanimous vote. Commissioner Luthi asked if there was any communications to consider on this matter other than from the Planning Board. Commissioner McGavran stated he received a telephone call from Sharon Larson, and the Kelly's came to his home, but not since the second zoning meeting. Commissioner Kay said no. Commissioner Luthi asked the

board members if they have all received copies of the unapproved minutes of the zoning board for October 4, 2012. They replied with yes. Commissioner Luthi asked those present on this case, if they felt they had a fair impartial hearing. Sharon Larson-Yes-told a personal story, and told of when the cell tower people first initiated the talks to put the tower on her property. John Hendrick-No- thought publics comments and viewpoints not valued. Just wanted tower moved further away from road. Michael Miller-No-same as John's. Susan Miller-No-Did not feel they were heard, just move tower back. Hazel Van Meter-No, not exactly- felt planning commission was bored with this issue and already had their mind made up. Reta Fae Kelly-No, not at all- thought zoning board at meeting had lost sight of issue. Reta read from the comprehensive plan, and said the commissioners had no choice but to deny the application. Ken Kelly-No-zoning board had a pre-planned meeting, and wasn't a public hearing or fair. Ryan Kelly-No-decision was already made before public hearing. Truette gave the zoning administrator's report. Truette went through the 17 recommendation conditions for the special use application, which all were met. Commissioner Luthi asked the other board members if there were any questions for the zoning administrator. Commissioner Kay asked who came up with the 17 conditions. Truette said that the zoning consultant, Mr. Foster, worked with Truette and they were standard. The applicant had no other new information to present. Commissioner Kay said that he needed to know more about the lighting situation for the tower. Commissioner McGavran moved to table Case # SU 004-2012 until October 22, 2012, at 11:00 a.m., until Truette has time to contact a consultant on the strobe light matter. Commissioner Kay seconded. Motion carried.

John Copple, Highway Administrator, reported on what crews were doing. John said that he ordered guard rail on Purple Wave auction. John reported that an employee gave his two week notice. Jerry Gotti, joined the group, and asked if there was a way to get Culver Township to use rock that wouldn't ruin tires. John explained that it's the quality of rock that is having to be purchased.

Kenny Baccus, Noxious Weed Administrator, stopped in and updated the commissioners on the progress of the noxious weed building. Kenny said the end of this month is when his road and bridge help for spraying goes back to road and bridge. John Copple,

Highway Administrator, said that if Kenny needed him, he really didn't have a place for him. The commissioners will discuss it with John and let him know.

Keith Coleman, Sheriff, gave prisoner count of Sedgwick County 35, Saline County 6, and Ottawa County 2. Keith gave the commissioners the renewal for Simplex Sprinkler systems agreement. The commissioners will give it to the County Attorney to review. Keith discussed the grease trap that rotted out again. He repaired it himself. Keith updated the commissioners on employee matters.

Commissioner McGavran moved to go into executive session at 10:31 a.m. for twenty minutes to discuss non-elected personnel. Commissioner Kay seconded. Motion carried. Those present were the commissioners and Betty Mick, County Attorney. They returned to regular session at 10:51 a.m. No decision was made. Betty discussed the attorney budget and the commissioners.

At 11:00 a.m., the commissioners reconvened the cell phone tower hearing. Those present were Truette McQueen, Zoning Administrator, Arlen Bacon, Susan & Michael Miller, Reta Fae and Ken Kelly, Hazel Van Meter, and Wendy Florian. Commissioner Luthi continued the hearing for SU 004-2012, special use application for the establishment of a cell phone tower in the A-1 agriculture district. Truette said that after conferring with Mr. Bickley Foster, zoning consultant, he gave the options for the recommended for use on option #5 lighting devices placed on the communication facility. Truette gave definitions of strobe light. Commissioner McGavran moved to amend #5 item on the recommendation for special use for SU 004-2012, to read no strobe light anytime on the communication device. Commissioner Kay seconded. Motion carried unanimously. Commissioner Luthi asked if there was any other conditions. There was none. Commissioner Luthi moved to pass Resolution 12-29, approving special use to establish a communications facility/cell tower in the A-1 agriculture district. Commissioner McGavran seconded. In discussion Reta Fae said they would be disobeying their own county rules. Ayes-Commissioner Luthi and Commissioner McGavran. Nays-Commissioner Kay. Commissioner Luthi informed the group that any persons aggrieved by the final decision of the Board on this matter have 30 days after the

Minutes of Proceeding
Ottawa County Board of Commissioners
October 22, 2012

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

effectuating resolution is published within which to appeal to District Court.

The minutes of October 22, 2012, were read and approved.

With no further business before the board, the meeting adjourned at 11:35 a.m.