

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.

The official minutes of July 23, 2012, were approved and signed.

Vouchers and payroll were approved.

At 8:30 a.m., the commissioners held a zoning hearing for a communication tower as a special use in the A-1 (Agriculture) district. Commissioner Luthi called the meeting to order on the tower, application SU-001-2012, is on land owned by Sharon Larson, Tecumseh, Ks. The site is 2.62 acres in the SE ¼ of 29-10-05W and it is located at 1363 N 120<sup>th</sup> Rd, Ada, Ks. Those present for the hearing were Truette McQueen, Zoning Administrator, Wendy Florian, Special Use Applicant for XCELL Towers, Arlen Bacon, Mike and Sue Miller. No board member disqualified themselves from discussing and voting on the case. County Clerk, Mary Arganbright, reported that the protest petition deadline was July 25, 2012, at 5:00 p.m., and there was not one filed. All board members have received copies of the unapproved minutes of the planning board. Commissioner Luthi asked for those present on this case, did they feel that they had a fair and impartial hearing? Mrs. Miller said she did not feel that they did. She lives at 223 Navajo Road, Ada, adjacent to the land the tower is going on. She felt the decision was already made and they were speaking to deaf ears at the zoning meeting July 11, 2012. She feels that the tower will change the agriculture district of Ada, Ks. It will ruin the value of the home. No one in Ada will benefit from the tower, as everyone uses Nex-Tech. Commissioner Luthi asked if she had any documents on how the tower will deteriorate the value on her home. Mrs. Miller gave the documents to Commissioner Luthi. Other concerns, the noise of the tower from wind, and blinking light at night. Truette discussed research he had done by calling individuals with towers beside their homes. He personally went to sites also and visited with people with towers on their land. Ms. Florian had contacted the FAA, and the company that the lights are purchased from, and there are no reports that the lights cause medical harm. Truette went through

the zoning administrator's report. (Detailed report attached to approved minutes filed in the County Clerk's office). Truette discussed condition #18, on setback. (Detailed report attached to approved minutes filed in the County Clerk's office). John Wilson, Minneapolis Messenger, joined the group. Commissioner Luthi asked if the applicant had any new information to present. Ms. Florian said no. Hazel Van Meter joined the group. Arlen said that he deals with backhaul trucks, and they do not carry Nex-Tech service, so the tower would help with his communication. Hazel said that she does not think anyone is so deadset on the tower, but she is seeing that feelings were hurt because the town of Ada felt they were shunned and left out of the matter. Commissioner Kay moved to pass Resolution 12-23, approving the planning boards recommendation of application SU-002-2012, for a special use to establish a communications facility/cell tower in the A-1 agriculture district. Commissioner Luthi seconded. Motion carried unanimously.

Brian Davidson, Davidson Construction, and Eric Nichols, Eric's Precision, met with the board and Brian said they had some concerns on the Noxious Weed building bids. They said that contractor's in Salina, had received the plans about a week before any local contractor's got them. Brian and Eric pointed out that the plans Warren Ediger made up, with the exemption of a couple things, was the plans Eric submitted before. Commissioner Kay said that the originally, two sets of plans were submitted, and everyone was not bidding apples per apples. Eric and Brian said that the way it is now, he cannot bid on it as it requires red iron(steel). Brian said that he is returning his set of plans, as he will not be bidding on it, as he is already behind on the project. Eric said that he is not in the bid process either, as he cannot do red iron.

Prisoner count was reported at Sedgwick County 29, Saline County 15, and City of Minneapolis 1.

Marie Ballou, Emergency Management Coordinator, stopped in and reported that Ottawa County was in the high fire index range, because of cloud cover. The rest of the week didn't look good for rain. The commissioners signed Resolution 12-24, extending the burn ban up to another seven days.

John Denney, Lindburg Vogel Pierce Faris & Co. Chtd., county auditor, met with the board for 2013 budget preparation.

For the record, Commissioner Luthi attended a KCAMP meeting last Thursday and Friday in Kansas City.

The commissioners adjourned to the basement at 1:30 p.m. for a safety meeting.

The commissioners reconvened at 2:15 p.m., with Kenny Baccus and John Hendrick, Noxious Weed Department. Kenny said that he was on vacation last week, and he had received a phone call from Brian Davidson, who was not pleased with the bidding process of the Noxious Weed building. Kenny apologized to him. Brian was also upset that the Salina contractors are in on the bidding process. Brian didn't think they were going to be open to out of county contractors. Brian was also displeased with the whole idea and called Eric Nichols. Eric called Kenny and wasn't as displeased as Brian was, Eric just would not be able to bid on it because it was red iron framed. Kenny showed the commissioners the plans and it is not red iron frame, it's wood frame. The individuals did not look at the plans correctly. Eric is still interested in bidding on the job, and is not concerned about being able to meet the deadline. Kenny said that later on in the week, John Hendrick called Kenny and Warren Ediger, architect had sent an email and said a couple of the contractors wanted extensions. Kenny said that the 3-week bidding process was enough, so no extension was granted. Kenny said that he has called several of the contractors and they received their plans the same day as Brian and Eric. Kenny gave the commissioners several emails in regards to the matter.

With no further business before the board, the meeting adjourned at 2:53 p.m.