

**FRANKLIN COUNTY
COMMISSION AGENDA ITEM**

TO: BOARD OF FRANKLIN COUNTY COMMISSIONERS	Reviewed:
FROM: JAMES M. HAAG, JR.	Ext. 3552
DEPARTMENT: PUBLIC WORKS	
DATE: 5/28/08	No.

ITEM: Consider opening bids for Mower Tractor at 9:00 a.m.

Background: The Board of County Commissioners approved a Solicitation of Bids for the Mower Tractor which called for the bids to be opened at 9:00 a.m. on May 28, 2008 at the regular Commission meeting.

Recommended Action: Open bids for Mower Tractor

Attachments: Solicitation of Bids

**FRANKLIN COUNTY
COMMISSION AGENDA ITEM**

TO: BOARD OF FRANKLIN COUNTY COMMISSIONERS	Reviewed:
FROM: Lisa Johnson	Ext: 3485
DEPARTMENT: Administration	
DATE: Wednesday, May 28, 2008	No:

ITEM: Consider the approval of an agreement between the Franklin County Treasurer's Office and Diebold, Inc. for the purchase of a new safe for the Treasurer's Office.

Background: On May 14, 2008 the Commission approved purchasing a new safe for the Treasurer's Office from Diebold, Inc. An agreement has been drafted to finalize this purchase consistent with the terms and conditions approved by the Commission.

Recommended Action: It is recommended that the Commission approve the agreement with Diebold, Inc..

Attachments: Agreement

MEMORANDUM OF AGREEMENT

BAAN NUMBER

PROJECT NUMBER

DIEBOLD, INCORPORATED ("Diebold") and Franklin County Treasurer

located: 315 S. Main Room 107, Ottawa, Kansas 66067

("Customer") hereby agree to perform in accordance with the terms of this Memorandum of Agreement ("Agreement") which consists of this Signature Page and the Offer of Sale Terms ("DIEBOLD MOA REV 07-07 pages 2 & 3") which are incorporated herein and made a part hereof.

Diebold hereby agrees to provide, and Customer agrees to acquire the items referred to in the space below ("Items") in accordance with the terms of this Agreement.

PER ATTACHED PROPOSAL OR DIEBOLD QUOTE DATED April 22nd, 2008 Revision # 1

Diebold agrees to schedule the Items for shipment to Diebold Inc. Lenexa, Kansas ("Destination") on or before

(date) 06/16/08 For D&I Orders, Diebold will schedule the installation to be complete on or before 06/30/08

Order Type (Only one of the following applies. Check applicable box.)

FOB Order Diebold to furnish Items only according to Diebold approved written specifications and drawings which are considered a part hereof and ship items directly to customer's premises. Terms: F.O.B. Diebold Factory or Warehouse. Freight Allowed to Destination ("FOB Order").

D&I Order Diebold to furnish Items and install, according to Diebold approved written specifications and drawings which are considered a part hereof. Terms: F.O.B. Diebold Factory or Warehouse. Freight Allowed to Destination ("D & I Order").

Customer agrees to pay Diebold the following sum for the Items PLUS ANY APPLICABLE SALES OR USE TAX:

Eight Thousand and Twenty Three Dollars (\$8,023.00)

BILLING TERMS

Billing Terms D & I Orders:

90% when items ship from the Diebold designated factory or warehouse; 10% on completion of installation.

Billing Terms FOB Orders:

Please Initial that you have reviewed the billing terms:

If the Items are delivered in installments, each shipment of an installment will constitute a separate delivery, and Diebold's failure to make any delivery shall not affect this Agreement as to any other delivery. Diebold's acceptance and performance of this Agreement is subject to Customer continuing to meet Diebold's credit approval requirements. Diebold may require that Customer complete, execute and agree to Diebold's credit application forms and related documents prior to Diebold shipping the Items or performing any services.

Diebold's offer to provide the Items is contingent on Customer's agreement to the express terms of this Agreement, and any other terms proposed by Customer are objected to by Diebold and shall not become part of the contract under which Customer acquires the Items. Customer's authorized representative may confirm Customer's intention to be bound by the terms of this Agreement by signing below, however Customer's request or order for the Items in any form, payment for, or use of the Items shall in all circumstances constitute Customer's assent to the terms of this Agreement. Customer acknowledges that DIEBOLD'S WARRANTY CONCERNING THE ITEMS IS LIMITED; THAT DIEBOLD EXPRESSLY DISCLAIMS THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE; AND THAT DIEBOLD'S LIABILITY IS LIMITED AT DIEBOLD'S OPTION, TO EITHER THE REPAIR OR THE REPLACEMENT OF ANY DEFECTIVE ITEMS, OR REFUND OF THE PRICE OR FEE PAID TO DIEBOLD FOR SUCH ITEMS. Customer's representative by signing below signifies that they have read and understand the terms of this Agreement (including the terms in Diebold MOA Rev 07-07page 2 of 3).

ACCEPTED BY CUSTOMER

ACCEPTED BY DIEBOLD, INCORPORATED (--CONTRACT ADMINISTRATION USE ONLY --)

Name and Title

Please Sign Here

Signature

Agreement Date

Signature

Acceptance Date

FRANKLIN COUNTY

TO: BOARD OF FRANKLIN COUNTY COMMISSIONERS	Reviewed:
FROM: Rick Sawin	Ext. 8471
DEPARTMENT: Noxious Weed	
DATE: 05/28/2008	No.

ITEM: 2009 Noxious Weed Annual Control Plan

Background: Annually the weed department is required to submit a noxious weed control plan to the Kansas State Department of Agriculture for the coming year. The plan I am submitting is the same as last year except with updated information on estimated acres of noxious weeds in the county, and 2008 chemical prices. Also proposed 2009 budget has been included.

Recommended Action: Consider and a motion to approve the 2009 Annual Control Plan.

Attachments:

**FRANKLIN COUNTY
COMMISSION AGENDA ITEM**

TO: BOARD OF FRANKLIN COUNTY COMMISSIONERS	Reviewed:
FROM: JAMES M. HAAG, JR.	Ext. 3552
DEPARTMENT: PUBLIC WORKS	
DATE: 5/28/08	No.

ITEM: Consider discussing how the Board of Commissioners prefers to gather the necessary public input for the update of the 5 Year Plan.

Background: The Kansas Department of Transportation is requesting Franklin County update the 5 Year Plan. KDOT wants to know the public involvement that contributed to the 5 Year Plan.

Recommended Action: Motion setting a Public Hearing for 8:45 a.m. on June 11, 2008 to discuss the update of the Franklin County 5 Year Plan.

Attachments: KDOT Letter and Attachments

BLP Memo 08 - 03

MEMO TO: Board of County Commissioners
Franklin County

DATE: May 13, 2008

SUBJECT: Request for the County to Prioritize its Federal Fiscal Year (FFY) 2009-2013 Five-Year Plan Project List and Submit New Project Request

The current federal-aid transportation legislation known as the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFTEA-LU) makes federal funds available to the State of Kansas for transportation improvements. The Kansas Department of Transportation (KDOT) is responsible for distribution of these funds to local agencies in the state.

All of the Obligation Authority (OA) dollars must be used within a Federal Fiscal Year or the dollars may be lost to the state. In previous years KDOT has absorbed any unused dollars that were available to the counties and then made an equal amount available to the counties in the following program year. As KDOT approaches the end of our 1999 Comprehensive Transportation Program (CTP), we no longer have the financial flexibility to continue this practice. It is therefore necessary that the counties use all of the federal funds available to them each year.

In an effort to make certain the federal funds were used each year, KDOT Bureau of Local Projects (BLP) over-programmed county projects in FFY 2008 – FFY 2011. Over the past several months we have made an attempt to reduce the amount of over programming in FFY 2008 and FFY 2009 to approximately 10%-20%. Our first priority in that process was to balance the available federal dollars and to cause the least possible inconvenience to the local agencies.

We are requesting your assistance in updating your County Five-Year Plan of federal-aid projects. Attachment A provides a list of the projects approved in your current five-year plan. Please review the projects listed on the attachment to reaffirm your priorities and to make any adjustments for an additional year (FFY 2013) of funding that is available for your FFY 2009 – FFY 2013 Five-Year Plan. To assist you with the update, we are including Attachment B, "Instructional Guidance for Programming Highway Projects and Updating the Five-Year Plan". **Please submit these forms to KDOT Bureau of Local Projects by June 16, 2008.**

Although the project listing is accurate as far as what is currently programmed, the letting dates are likely to change as we make adjustments to reduce the amount of over programming in FFY 2010 – FFY 2011. **The let dates for projects programmed beyond FFY 2009 have been omitted from the attachment. The BLP needs you to provide us with a reasonable let date for the construction project. We are hoping this process will assist us in eliminating some of the over programming in FFY 2010 – FFY 2011.**

BUREAU OF LOCAL PROJECTS

Ronald J. Seitz, P.E., Chief

Dwight D. Eisenhower State Office Building

700 S.W. Harrison Street; Topeka, KS 66603-3745 • (785) 296-3861 • Fax: (785) 296-2079

TTY (Hearing Impaired): (785) 296-3585 • e-mail: publicinfo@ksdot.org • Public Access at North Entrance of Building

Following is a summary of the federal funding available to Franklin County for FFY 2009-2013:

Estimated Carryover balance, end of FFY 2008:	\$352,957
Estimated Obligation Authority FFY 2009-2013 (\$219,511 per year):	\$1,097,555
One additional year of funding for planning purposes (Current policy allows counties to utilize six years of funds for programming their 5-year plans):	\$219,511
Total Estimated Funds Available to County for programming Projects in FFY 2009-2013:	\$1,670,023

Please note: For those counties within Metropolitan Planning Organization (MPO) areas, your projects within the MPO area must be included on a Transportation Improvement Program (TIP) approved by the MPO. This office cannot process a "Request for a Construction Project" Form 1302 until that project is included in an approved TIP.

In the future, if you would like to receive and submit your Five-Year Plan electronically, submit your request to Sondra Clark at sondrac@ksdot.org or Sarah Boyle at sboyle@ksdot.org.

We appreciate your assistance in helping KDOT develop a Five-Year Construction Program that ensures all federal funds are utilized and no dollars are lost to the state of Kansas. We hope our efforts to develop a realistic program will enable you to plan for local matching funds and project development activities. Please contact me at (785) 296-3861 or Sondra Clark at (785) 296-0441 if you have any comments or questions.

Sincerely,



Ronald J Seitz, P.E., Chief
Bureau of Local Projects

c: Office of County Engineer w/att.
Dan Scherschligt, P.E., Director, Division of Engineering and Design
Mike Crow, P.E., Director, Division of Planning and Development
Chris Herrick, P.E., Chief, Bureau of Transportation Planning
File

Instructional Guidance
For Programming Highway Construction Projects
And Updating the Five-Year Plan

I. Purpose

The purpose of this document is to provide guidance for programming your highway construction projects and to request your input for updating your county's Five-Year Plan, which will become a portion of the Statewide Transportation Improvement Program. Information is provided herein that will assist you in utilizing federal funds that are made available to your county for highway improvement projects.

II. Funding Categories

Funding for transportation improvement projects is established by the federal-aid transportation legislation known as the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This legislation provides several categories of funding that are available to you for your construction projects. Following is a summary of the program categories.

1. Surface Transportation Program (STP). These funds are made available for road or bridge improvement projects on county major collector routes (RS routes).
2. Highway Bridge Program (BR). These funds are available for the replacement or rehabilitation of deficient bridges. A bridge funded under this category may be located on any class route, and it must meet certain eligibility criteria as determined by the latest bridge inspection.
3. STP – Safety (formerly Hazard Elimination Safety). These funds are available for safety-related improvements. Any funding a county receives under this program will be in addition to the five-year plan funding.
4. High Risk Rural Roads (HRRR). To be eligible for this funding a project must be located on a rural road and the site must have a rate of fatal and/or disabling injury accidents that is greater than the statewide average for similar locations. Any funding a county receives under this competitive program will be in addition to the five-year plan funding.
5. 402 Safety. These funds are available to hire consultants for analyzing local traffic engineering issues. Funding under this program does not affect your five-year plan.

III. Obligation Authority Limitations

The amount of federal funds that can be spent in a fiscal year is called the "obligation authority" (OA). KDOT makes available to local agencies a portion of the state's total OA. The county portion of STP funds is distributed in accordance with K.S.A. 68-402b and is proportionate to each county's share of Special City and County Highway Funds. The county distribution of available BR funds is proportional to each county's deficient

bridges. The estimated amount of OA available to your county for your 2009 – 2013 Five-Year Plan is listed in the cover letter.

When projects are programmed, the Bureau of Local Projects will determine the category of funding to assign to the project based in the information you provide in your project request. Federal funds are generally limited to 80% of the construction and construction engineering costs. The county is responsible for 20% of construction and construction engineering, as well as 100% of preliminary engineering, right-of-way acquisition, and utility adjustments.

IV. Procedure for Updating Five-Year Plan

Attachment A “Form for Updating County Five-Year Plan” includes a listing of your priorities as reflected in your current five-year plan, along with cost estimates and program year of letting for projects already let, or up to FY 2009. Please add let dates to other projects, as well as review these projects to reaffirm your priorities and to add new project(s) for an additional year of funding that is available for your 2009 – 2013 Five-Year Plan. Projects should be prioritized in the order you would like to have them let to contract.

Because the project development schedule for local federal-aid projects is two years in length, projects that are listed in the current (FFY 2008) or next fiscal year (FFY 2009) should be considered as firm commitments and only changed if there are unusual circumstances. Projects in the remaining fiscal years may be adjusted as necessary.

Projects may be funded using either STP or BR funding. The projects that will be funded in this five-year plan are limited to the total OA available to your county, which is listed in the cover letter. Additional projects beyond the available funding may be included in your plan for consideration if additional funding becomes available.

A copy of Attachment A, including all revisions you are requesting, should be submitted to the Bureau of Local Projects, along with Project Request Form 1302 and a map showing the location of each newly requested project. Form 1302 is included as Attachment D, or it may be downloaded from the Bureau of Local Projects website at <http://www.ksdot.org/burLocalProj/default.asp>.

V. Public Involvement

In order to receive federal transportation funding, the County must offer the opportunity for comments from the public in the development of its plan. Public involvement may, as a minimum, include a public notice indicating when a governing body would be reviewing needs and making decisions on project selection and prioritization. Please use Attachment C to document the county’s efforts to provide public involvement in this process and submit this form to the Bureau of Local Projects.

VI. Development of the Statewide County Five-Year Construction Program

When all counties have submitted their requests to update the five-year plan, the Bureau of Local Projects will use this information to assemble the Statewide County Five-Year Construction Program for FY 2009 - 2013. Projects in the first two years of the program will be considered as firm commitments; projects in the remaining three years will be considered as being in "planning" stages and may be adjusted in future five-year plans. The estimated available obligation authority for each county over the life of the program will be used as a guideline in determining which projects may be funded. In addition, the following factors will be used to schedule projects in this Statewide County Five-Year Construction Program.

1. First Fiscal Year Program – Include only top priority projects of those submitting a current five-year plan and projects that have "slipped" from previous years' programs.
2. Second Fiscal Year Program - Includes only projects of those submitting a current five-year plan and top-priority projects from prior years.
3. Remaining Three Fiscal Years of Program – Priority ranking from counties will be used to select projects for the corresponding years.

VII. Policy on Project Plans for Unfunded Projects (Updated)

The Bureau of Local Projects understands the benefits associated with working plans on projects not funded in the Five-Year Plan. If plans are sent in, they will be reviewed at the earliest opportunity. However projects that have funding WILL be the priority, and take precedence over non-funded projects.

VIII. Pooling of Uncommitted Federal Funds

Federal funds are made available on an annual basis and must be used during the fiscal year they were made available. In order to manage the local portion of the program and avoid the potential loss of federal dollars to the State of Kansas, adjustments will be made annually to minimize the balances of unused obligation authority. Counties not committing all their federal funds may lose all the unused funds except for one year of obligation authority. At the end of the current fiscal year, these funds may be transferred into a pool, which may be redistributed to counties who are using their funds or used for special cases.

DATE: _____
NAME: _____
TITLE: _____
CITY: _____

Return To: **Ronald J. Seitz, P.E., Chief**
Bureau of Local Projects
Dwight D. Eisenhower State Office Building
700 SW Harrison Street
Topeka, Kansas 66603-3745
Or FAX 785/296-2079

Public Involvement in Five (5) Year Plan Project Selection Process NOTE: This form must be completed and returned either with the submittal of your five year plan or after you have confirmed that there was an opportunity for public involvement and comment on your projects included in your five year plan.

1. The City utilized the following activities to include the public in their Five (5) Year (FY's 2009-2013) Plan project selection/approval process:

2. In addition to or to supplement Paragraph No.1, the following may be noted as being done:

a. Council/Commissioners or Engineer received comments from citizens during the year notifying them of concerns and possible projects.
_____ yes _____ no

b. Council/Commissioners or Engineer drove the road network and visited with one or more citizens about road concerns and possible projects.
_____ yes _____ no

c. Council/Commissioner published in the City Official newspaper one or more agenda or a notice of a Council's/Commissioners' meeting(s) which included discussion on Five Year Plan project selection/approval or other discussion on possible projects to be included in Plan.
_____ yes _____ no

d. Informal or formal meetings held to discuss possible project selection for inclusion in the Five Year Plan. _____ yes _____ no

e. Other examples of public involvement in the Project Selection Process.

FRANKLIN COUNTY

To:	Franklin County	Reviewed:	
	Board Of County Commissioners		
From:	Larry D. Walrod <i>LDW</i>	Extension:	3571
	Planning & Building Dept.		
Date:	May 28 th , 2008	No.	

ITEM:

Appointment to the LEPP Committee

BACKGROUND:

Staff will soon be submitting a request to the Board of County Commissioners for approval of a Grant application for a Local Environmental Protection Plan (LEPP) Grant. The LEPP is a program provided by the Kansas Department of Health & Environment to Counties that have agreed to participate in protection and restoration of watersheds and water quality as provided in the Kansas Clean Water Act. Franklin County has participated in this program for the past twelve (12) years.

DISCUSSION:

One of the criteria required to be eligible for a grant is the County must establish a Local Environmental Protection Committee which will coordinate recommendations to the Board of County Commissioners regarding the administration of the Local Environmental Protection Plan.

After reviewing the criteria for requirements and qualifications necessary to serve on the committee with KDHE, it was suggested that representative should have some basic knowledge intended to implement environmental protection strategies of the State Water Plan. I have contacted several persons, which I believe have these interests and technical knowledge as follows:

Lloyd McClure – Franklin County Planning Commission – 785-248-8617

Guy Crabill – Franklin County Sanitarian – 785-229-3590

Rick Sawin – Franklin County Director of Solid Waste Management – 785-229-8470

Rick Porter – Lake Region Resource Conservation and Development Council – 785-242-2073

Keri Harris – U.S.D.A./N.R.C.S./Franklin County Conservation District – 785-242-1109 ext. 3

Darren Hibdon – Kansas State Extension Office – 785-229-3520 (mobile: 913-294-6021)

RECOMMENDATION:

Staff recommends that the Board of County Commissioners appoint the above noted persons to serve on the Local Environmental Protection Committee.

**FRANKLIN COUNTY
PLANNING AND BUILDING DEPARTMENT**

LARRY D. WALROD, PLANNING DIRECTOR

1428 S. MAIN, SUITE #5

OTTAWA, KANSAS 66067-3547

Office: (785) 229-3570

Fax: (785) 229-3504

BOARD OF COUNTY COMMISSIONERS

Karen S. Farrell, District 1

John E. Taylor, District 2

Roy C. Dunn, District 3

Donald C. Hay, District 4

Donald R. Stottlemire, District 5

MEMORANDUM

TO: Franklin County
Board of County Commissioners

DATE: May 21, 2008

FROM: Larry D. Walrod *LDW*
Planning Director

DEPT: Franklin County
Planning Department

RE: LEPP Committee

CC:

BACKGROUND:

Staff will soon be submitting a request to the Board of County Commissioners for approval of a Grant application for a Local Environmental Protection Plan (LEPP) Grant. The LEPP is a program provided by the Kansas Department of Health & Environment to Counties that have agreed to participate in protection and restoration of watersheds and water quality as provided in the Kansas Clean Water Act. Franklin County has participated in this program for the past twelve (12) years.

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FRANKLIN COUNTY

To:	Franklin County	Reviewed:	
	Board Of County Commissioners		
From:	Larry D. Walrod <i>LW</i>	Extension:	3571
	Planning & Building Dept.		
Date:	May 28 th , 2008	No.	

ITEM:

Subdivision Improvement Agreement/Letter of Credit for Prairie Lakes Estates #2 Subdivision.

BACKGROUND:

At your meeting of October 31st, 2007, the Board of County Commissioners accepted the Final Plat for the Prairie Lakes Estates #2 Subdivision. Your packet included a Staff Report from the Planning Director requesting that you:

1. Authorize the Chairman to endorse the Final Subdivision Plat accepting all easements and rights of way shown on the plat.
2. Accept the Subdivision Improvement Agreement ensuring the construction of the improvements required for the subdivision; and
3. Accept a Letter of Credit in the amount of \$26,261.84 to cover the cost of the improvements.

DISCUSSION:

The action taken by the Board of County Commissioners on October 31st, 2007 only authorized the Chairman to endorse the Final Plat for the Prairie Lakes Estates #2 Subdivision and did **not** include acceptance of the Subdivision Improvement Agreement nor the Letter of Credit.

Staff has reviewed this matter with the County Counsel and it has been determined that the Board of County Commissioners must formally accept said Improvement Agreement and Letter of Credit.

RECOMMENDATION:

Staff recommends that the Board of County Commissioners accept the Subdivision Improvement Agreement and Letter of Credit in the amount of \$26,261.84 ensuring the construction of the required improvements.

ATTACHMENTS:

Memo
Subdivision Improvement Agreement
Letter of Credit

**FRANKLIN COUNTY
PLANNING AND BUILDING DEPARTMENT**

LARRY D. WALROD, PLANNING DIRECTOR

1428 S. MAIN, SUITE #5
OTTAWA, KANSAS 66067-3547

Office: (785) 229-3570 Fax: (785) 229-3504

BOARD OF COUNTY COMMISSIONERS

Karen S. Farrell, District 1

John E. Taylor, District 2

Roy C. Dunn, District 3

Donald C. Hay, District 4

Donald R. Stottlemire, District 5

MEMORANDUM

TO: Franklin County
Board of County Commissioners

DATE: May 21, 2008

FROM: Larry D. Walrod
Planning Director

DEPT: Franklin County
Planning Department

RE: Subdivision Improvement Agreement/
Letter of Credit for Prairie Lakes
Estates #2 Subdivision

CC:

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Staff has reviewed this matter with the County Counsel and it has been determined that the Board of County Commissioners must formally accept said Improvement Agreement and Letter of Credit.

RECOMMENDATION:

Staff recommends that the Board of County Commissioners accept the Subdivision Improvement Agreement and Letter of Credit in the amount of \$26,261.84 ensuring the construction of the required improvements.

SUBDIVISION IMPROVEMENT AGREEMENT

THIS AGREEMENT, by and between JOHN A. THOMPSON owners and developers of PRAIRIE LAKES ESTATES NO. 2 Subdivision located in Franklin County, Kansas referred to in this agreement as DEVELOPER, and Franklin County, Kansas, represented by the Board of Franklin County Commissioners, referred to in the agreement as THE COUNTY.

WITNESSETH:

1. The DEVELOPERS have caused to be prepared the FINAL PLAT of said PRAIRIE LAKES ESTATES NO. 2 Subdivision in accordance with requirements of Subdivision Regulations adopted by Franklin County, Kansas on December 8, 1997, and have filed said Final Plat with Franklin County for approval, and
2. This Subdivision Improvement Agreement has been prepared in accordance with requirements of Article 5, Section 1.01 et. seq. of said Subdivision Regulations, and
3. By means of this agreement, the DEVELOPER hereby agrees to complete all streets and drainage facilities as shown on the subdivision improvement plans in a manner that is acceptable to THE COUNTY, and
4. The DEVELOPER agrees to see that water, electric power, telephone, and any other utility systems necessary to serve said subdivision, are satisfactorily installed, and
5. The DEVELOPER further agrees to complete all subdivision improvements within a period not to exceed twelve months from the date that the COUNTY approves the said FINAL PLAT of PRAIRIE LAKES ESTATES NO. 2 Subdivision, and
6. The DEVELOPER agrees to comply with all other requirements of the said Franklin County Subdivision Regulations, and the Franklin County Street, Road and Drainage Standards for Subdivisions, and
7. The DEVELOPER agrees to provide the COUNTY with sufficient surety in the form of performance and maintenance bonds or an Irrevocable Letter of Credit, in an amount equal to or greater than the certified estimate of the County Public Works Administrator, to insure that the construction will be built and will be maintained in accordance with the County's standards. The DEVELOPER agrees to provide a maintenance bond for the completed road for a period of two (2) years following the written acceptance of the improvements by the COUNTY, and
8. The COUNTY agrees to install all necessary permanent street names, warning and regulatory signs for the Subdivision. The DEVELOPER agrees to pay for the cost of installation and materials to the COUNTY within twenty (20) days of the billing date, and

9. The COUNTY agrees to issue building permits for construction of new homes on lots locate within the FINAL PLAT of PRAIRIE LAKES ESTATES NO. 2 Subdivision following approval by the County of said Plat and approval and acceptance of constructed streets, storm drainage, and utility lines necessary to serve said lots.

EXECUTED in duplicate this 1ST day of OCTOBER, 2007 by representatives of the parties hereto.

DEVELOPER:

John A Thompson

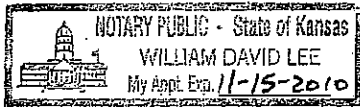
STATE OF KANSAS)
COUNTY OF FRANKLIN)

SS

COUNTY OF FRANKLIN, STATE OF KANSAS, on this day appeared before me the said JOHN A. THOMPSON, to me personally known and known to be the individual described in and who executed the foregoing instrument, and the duly acknowledged to me that he/she executed the same.

Sworn to and subscribed before me this 1ST day of OCTOBER, 2007

(seal)



My commission expires 11-15-2010

William David Lee

Signature of Notary Public

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, KANSAS

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

ATTEST:

COUNTY CLERK

IRREVOCABLE STANDBY LETTER OF CREDIT

Letter of Credit Number: 2007-29

Amount: U.S. \$ 26,261.84 (twenty six thousand two hundred and sixty one dollars and eighty four cents U.S. DOLLARS)

This Letter of Credit is issued on October 25, 2007 by Issuer in favor of the Beneficiary for the account of Applicant. The parties' names and their addresses are as follows:

APPLICANT:

JOHN A. THOMPSON CONCRETING COMPANY
PO Box 455
Ottawa, Kansas 66067

BENEFICIARY:

FRANKLIN COUNTY KANSAS
C/O James Haag, Jr.
Public Works Director
122D East Logan
Ottawa, Kansas 66067

ISSUER:

PEOPLES BANK
PO Box 20
Ottawa, Kansas 66067

1. **LETTER OF CREDIT.** Issuer establishes this Irrevocable Standby Letter of Credit (Letter of Credit) in favor of Beneficiary in the amount indicated above. Beneficiary may draw on this Letter of Credit with a Draft (or Drafts, if the maximum number of drawings is greater than one). Each Draft shall be signed on behalf of Beneficiary and be marked "Drawn under Peoples Bank Letter of Credit No. 2007-29 dated October 25, 2007." Drafts must be presented at Issuer's address shown above on or before the Expiration Date. The presentation of any Draft shall reduce the Amount available under this Letter of Credit by the amount of the draft.

This Letter of Credit sets forth in full the terms of Issuer's obligation to Beneficiary. This obligation cannot be modified by any reference in this Letter of Credit, or any document to which this Letter of Credit may be related.

This Letter of Credit expires on the Expiration Date.

2. **DRAWINGS.** Partial drawings shall not be permitted under this Letter of Credit. "Draft" means a draft drawn at sight.

3. **DOCUMENTS.** Each Draft must be accompanied by the following, in original and two copies except as stated:

- A. The original Letter of Credit, together with any amendments.
- B. A sight draft drawn by Beneficiary on Issuer.

Issuer shall be entitled to accept a draft and the documentation described above, as required by the terms of this Letter of Credit, from any person purporting to be an authorized officer or representative of Beneficiary without any obligation or duty on the part of Issuer to verify the identity or authority of the person presenting the draft and such documentation.

4. **EXPIRATION DATE.** This Letter of Credit expires at the close of business at Issuer's address at 4:00 PM Central Time (Time) on October 25, 2008 (Date). Issuer agrees to honor all Drafts presented in strict compliance with the provisions of this Letter of Credit on or before the Expiration Date.

5. **NON-TRANSFERABLE.** This Letter of Credit is not transferable.

6. **APPLICABLE LAW.** This Letter of Credit is governed by the Uniform Customs and Practice for Documentary Credits, 2006 Revision, International Chamber of Commerce Publication No. 600 (UCP), or any later version or amendment. This Letter of Credit is also governed by the laws of Kansas, except as those laws conflict with the UCP.

ISSUER:

Peoples Bank

By 

Brett A. Chartier, Vice President

Date 10-24-07

FRANKLIN COUNTY

To: Franklin County	Reviewed:
Board Of County Commissioners	
From: Larry D. Walrod	Extension: 3571
Planning & Building Dept.	
Date: May 28 th , 2008	No.

ITEM:

Adoption of the Franklin County 2008 Environmental Sanitation Code.

BACKGROUND:

The Director of the Kansas Department of Health and Environment (KDHE) has accepted the update of the County Sanitation Code. The revised code includes all of the minimum standards required by Kansas Administrative Regulations (K.A.R. 28-5-6 thru 28-5-9) as set forth in KDHE Bulletin 4-2: Minimum Standards for Design and Construction of On-site Wastewater Systems.

In addition, the revised Sanitation Code includes local requirements as recommended by the Planning Commission and addressed in the County Comprehensive Plan. Some of the notable changes include:

- a. Reduction of the lot size for the use of lagoon systems from 10 acres to 5 acres.
- b. Expansion of lateral fields to meet KDHE design criteria.
- c. Establishing the Planning Commission as the appeals board.
- d. Clarification of the enforcement policy and penalties for violation.
- e. Clarifying design criteria for sanitation systems within the designated Floodplain.
- f. Provides for alternative systems, including drip irrigation, aerated septic tanks, mound systems, composting toilets, holding tanks and low pressure pipe with sand filter.
- g. Establishing the Planning/Environmental Health Department as the Administrating Office of the Code rather than the County Health Department.

RECOMMENDATION:

Notice has been provided pursuant to K.S.A. 19-3704 and copies of the Code have been submitted to several of the licensed installers for comment. However, since KDHE did not approve the Code until May 15th, 2008, the copies were not circulated until May 21st, 2008 and Staff has not received any comments at this time. Therefore, Staff recommends that the Board of County Commissioners continue this matter to the meeting of June 4th, 2008. Also, I would like a brief Study Session regarding the Sanitation Code on June 3rd, 2008 after the review of the Planning & Building & Environmental Health Department budget and proposed fee schedule.

**FRANKLIN COUNTY
PLANNING AND BUILDING DEPARTMENT**

LARRY D. WALROD, PLANNING DIRECTOR
1428 S. MAIN, SUITE #5
OTTAWA, KANSAS 66067-3547

Office: (785) 229-3570 Fax: (785) 229-3504

BOARD OF COUNTY COMMISSIONERS

Karen S. Farrell, District 1
John E. Taylor, District 2
Roy C. Dunn, District 3
Donald C. Hay, District 4
Donald R. Stottlemire, District 5

MEMORANDUM

TO: Franklin County
Board of County Commissioners

DATE: May 21, 2008

FROM: Larry D. Walrod
Planning Director

DEPT: Franklin County
Planning Department

RE: Sanitation Code

CC:

BACKGROUND:

The Director of the Kansas Department of Health and Environment (KDHE) has accepted the update of the County Sanitation Code. The revised code includes all of the minimum standards required by Kansas Administrative Regulations (K.A.R. 28-5-6 thru 28-5-9) as set forth in KDHE Bulletin 4-2: Minimum Standards for Design and Construction of On-site Wastewater Systems.

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Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

www.kdheks.gov

Division of Environment

May 15, 2008

Franklin County
Larry Walrod
1428 S. Main
Ottawa, KS 66067

Dear Mr. Walrod:

The proposed changes to the Franklin County Environmental/Sanitation Code have been reviewed and approved by the Kansas Department of Health and Environment in accordance with Kansas Statutes Annotated 19-3704. An official copy of the proposed code, as approved by this Agency, is attached for your records.


After the Franklin County Environmental/Sanitation Code has been officially adopted by the Board of County Commissioners, please send one copy of the adopted code and the attached form to the following address:

Kansas Department of Health and Environment
Bureau of Water - Watershed Management Section
1000 SW Jackson, Suite 420
Topeka, Kansas 66612-1367

KDHE recommends you contact the conservation district, extension office, contractors and lending institutions within Franklin County informing them of the code adoption/changes to the code.

If you have any questions, please call Beth Rowlands at 785/842-4600.

Sincerely,



Karl Mueldener, Director
Bureau of Water

KM/lmd
Enclosures
pc- Board of County Commissioners
Beth Rowlands, LEPP Specialist
Franklin County Code file

BUREAU OF WATER – WATERSHED MANAGEMENT SECTION
CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 420, TOPEKA, KS 66612-1367

Voice 785-296-4195 Fax 785-296-5509

<http://www.kdheks.gov/nps/index.html>

**BOARD OF COUNTY COMMISSIONERS
OF
FRANKLIN COUNTY, KANSAS**

RESOLUTION NO. 08- _____

A Resolution adopting a County Sanitation Code entitled "Franklin County 2008 Environmental Sanitation Code" for the unincorporated area of Franklin County Kansas.

WHEREAS, K.S.A. 19-3704 authorizes Counties to adopt a Sanitary Code; and

WHEREAS, the Board of County Commissioners of Franklin County, Kansas has prepared a Sanitary Code and submitted it to the Kansas Department of Environmental Health in accordance with K.S.A. 19-3704; and

WHEREAS, the Director of the Kansas Department of Health and Environment has approved said Sanitary Code; and

WHEREAS, notice of the Public Hearing was published in the Ottawa Herald Newspaper on April 18th, April 25th, and May 2nd, 2008 citing the purpose of the hearing was to consider testimony regarding the proposed adoption of the Sanitation Code; and

WHEREAS, the Board of County Commissioners conducted a public hearing on May 28th, 2008 in accordance with K.S.A. 19-3704; and

WHEREAS, the Board of County Commissioners has determined and finds that a Sanitary Code is necessary to promote and protect the public health, safety and general welfare of the persons of Franklin County.

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of County Commissioners does hereby adopt a County Sanitary Code for the unincorporated territory of Franklin County entitled "Franklin County 2008 Environmental Sanitation Code".

BE IT FURTHER RESOLVED that said Sanitation Code is hereby adopted by reference as if it were fully set forth herein as provided by K.S.A. 12-3303.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 28th day of May 2008. This action shall become in full force and effect upon publication in the official county newspaper.

Karen S. Farrell
Commissioner District 1

John E. Taylor
Commissioner District 2

Roy C. Dunn
Commissioner District 3

Donald C. Hay
Commissioner District 4

Donald R. Stottlemire
Commissioner District 5

Received and recorded this the 28th day of May 2008.

Shari Perry
County Clerk

Denney, Sara

From: Johnson, Lisa
Sent: Tuesday, April 29, 2008 3:54 PM
To: Denney, Sara
Subject: FW: Resignation

Put this on the agenda and run an advertisement for two weeks prior to the date it is on the agenda. Thanks.

Lisa

-----Original Message-----

From: Perry, Shari
Sent: Tuesday, April 29, 2008 02:21 PM
To: Johnson, Lisa
Subject: Resignation

Today I received letters of resignation from Melodie Milliken as the Richmond Twp Clerk and Stanley Milliken as Richmond Twp Trustee. They no longer live in Richmond Twp. I would assume the commissioners want to advertise for these positions.

Shari Perry
Franklin County Clerk/Election Officer
315 S. Main
Ottawa, KS 66067
Phone: 785-229-3410
Fax: 785-229-3419
Email: sperry@mail.franklincoks.org

Denney, Sara

From: Denney, Sara
Sent: Wednesday, April 30, 2008 11:53 AM
To: 'Nancy Ball (nball@ottawaherald.com)'
Subject: Franklin County Ad

Nancy,

I'm attaching to ads that we will need to run in the Herald the following dates: May 9th, 10th, 15th-16th. It should be billed to the Franklin County Commission @ 1428 S. Main, Suite 2.

Confirmation can be email to sdenney@mail.franklincoks.org <<mailto:sdenney@mail.franklincoks.org>> or faxed to 229-3487.



Richmond
wnship Clerk0408.dwnship Trustee0408

Please let me know if you have any questions.

Sara Denney
Franklin County
Exec. Asst. to the County Administrator
1428 S. Main, Suite 2
Ottawa, Kansas 66067
Phone: (785) 229-3487
Email: sdenney@mail.franklincoks.org

The Board of Franklin County Commissioners are accepting letters of interest from residents of the Richmond Township who wish to serve as a Trustee of the Richmond Township. There is one vacant position to fill immediately that will expire November 30, 2008. Interested individuals should send a letter expressing why they would like to serve on this board and give a brief description of their background and qualifications for this position.

Application deadline is May 19, 2008. Please send letters to the Franklin County Administration Office, c/o Sara Denney, 1428 S. Main, Suite 2, Ottawa, KS 66067.

The Board of Franklin County Commissioners are accepting letters of interest from residents of the Richmond Township who wish to serve as Clerk of Richmond Township. There is one vacant position to fill immediately that will expire November 30, 2010. Interested individuals should send a letter expressing why they would like to serve on this board and give a brief description of their background and qualifications for this position.

Application deadline is May 19, 2008. Please send letters to the Franklin County Administration Office, c/o Sara Denney, 1428 S. Main, Suite 2, Ottawa, KS 66067.