

June 7, 2010

The Jefferson County Board of Commissioners convened in special session on Monday June 7, 2010 at 12:00 p.m. Lynn made a motion to go into executive session for non elected personnel for the purpose of conducting an interview for the position of County Appraiser by phone. Roy seconded the motion. The Board recessed at 12:10 p.m. Present were Commissioners Richard Malm, Lynn Luck and Roy Dunnaway. The Board reconvened at 12:25 p.m. The chairman announced that no binding action was taken during executive session.

The Jefferson County Board of Commissioners convened in regular session on Monday June 7, 2010 at 1:00 p.m. Present were Commissioners Richard Malm, Lynn Luck and Roy Dunnaway, Jan Hayes, County Counselor and Deputy County Clerk, Annie Landis.

Vouchers were reviewed and approved by the Counselor and the Board. Tax change orders were signed. A shared sick leave request and donation was signed. Lynn moved that the minutes of May 24th, 2010 be approved as presented. Roy seconded. All voted in favor of the motion.

Susan Newell met with the Board. The Board approved the hiring of an employee to replace a recent vacancy using the current applications. A travel request for a 911 Communications employee was approved.

Mary Underwood, Treasurer, met with the Board. Mary discussed a county property/house for sale in Winchester. Next Monday, June 14th, at 11:00 A.M. the Board will meet with Mary Underwood at Lot 1, Block 14 in the city of Winchester to review the property.

Francis Hubbard, Road & Bridge, met with the Board. A change order was signed for a Change in Plans and Construction for repairs to Bridge #14 from Mill Valley Construction. The Board discussed the rehabilitation of Bridge #13 project. Lynn made a motion to accept the recommendation of awarding the bid contract to King Construction Co from Hesston in the amount of \$743,458.30 for the rehabilitation of Bridge #13. Roy seconded the motion. All voted in favor. Little Slough Bridge is up and open as of this morning. Temporary speed limit signs were discussed. Francis announced that 35 Road & Bridge employees had attended a recent defensive driving class. The Board was updated on expenses for road repairs.

Eileen Filbert, Health Dept., met with the Board. She discussed the paying of nurses in her department. Richard moved that the agency be allowed to provide a professional salary adjustment for all current home care professional nurses working within home care programs as requested. Roy seconded. All voted in favor of the motion. Eileen stated that no tax dollars are involved in the request, as Home Health, Hospice and User fees will be used to pay the increased wages and benefits.

Chris Schmeissner, GIS/IT Director, met with the Board. Chris asked for an executive session to discuss non-elected personnel. Lynn moved that the Board go into executive session to discuss matters of non-elected personnel until 1:50 p.m. Roy seconded. All voted in favor of the motion. The Board recessed at 1:42 p.m. Present during the session were Jan, Chris & the Board. The Board reconvened at 1:50 p.m. The chairman announced that no binding action was taken during executive session.

The Board recessed to move to the Sheriff's annex to hear a zoning case for N.R. Hamm Quarry Inc. for conditional use permit #CU2010/04. The Board reconvened at 2:00 at the Sheriff's annex. Grantville Hamm Quarry Hearing on US Hwy 24 and Clark Road: Conditional Use Permit #CU2010/04 on property located on Sections 9 & 16, Township 11 South, Range 17 E. Eric Hoffman was the first to speak. He is

not in opposition but not in favor either. He had 2 questions: Is location best? Would the Board Consider landowner's suggestion for board of trustees? Richard asked the Board if they have had any contact with interested parties. Roy and Lynn said they had. Charlie Sedlock, Hamm Quarries spoke in favor of the issue. Dan Watkins, attorney for Hamm's spoke in favor of the permit. He spoke of the ongoing dialogue with the neighbors in previous meetings. He spoke of the right of first refusal agreement between landowners and Hamm's. He spoke about the conditions on the proposal. He stated that the County Counselors suggested conditions were preferable to the zoning boards list of conditions. Richard asked for audience comments. Several landowners spoke on the issue. Bobbi Clough spoke about the representatives for the board of trustees. Juanita Kendall spoke about her property and the proposed rock quarry. She spoke about the safety of the issue and coming up with a win/win situation for all involved. She does not stand in opposition. Billy Hilbert spoke about the litigations between Hamm's and the landowners. He discussed the members that should be on the proposed Board of Trustees. He feels the landowners should be a large portion of the Board. He also discussed the money in the trust and how it would be allocated. He feels the Board of trustees would be made up of qualified individuals. Matt Hirsch spoke about the issue. He asked the Board to consider the safety issues before making their decision and also the trustee board. John Solbach, attorney for the landowners spoke about the makeup of the board of trustees which they feel should be made up of 3 landowners, 1 township member and 1 Hamm's member. Eloise Tichenor spoke about a letter received from Mr. & Mrs. Gene Davis on the issue. She read the letter to the Board and audience. They are opposed to the Quarry because of health issues and radon gas in the rock. County Counselor, Mike Hayes, spoke about the proposed conditions. He narrowed the conditions from 33 proposed by the Planning Commission to 20 conditions after reviewing the neighborhood agreement and Planning Commission recommendations. Discussion was held on the proposed conditions. Richard asked for applicant rebuttal. Hamm's clarified the days of operation.

Richard asked for Board of Commissioners questions. Lynn commended those present for their cooperation and working together with Hamm's. Lynn made a motion to approve the conditional use permit 2010/04 with the 20 conditions as amended and proposed. Richard seconded. Richard asked for discussion. There was no discussion. All voted in favor of the motion. Motion passed. Roy made a motion to recommend that the trustees for the Neighborhood Trust Agreement group be made up of 6 persons: 3 landowners, 2 township members and 1 Hamm's representative. Lynn seconded the motion. All voted in favor of the motion. Richard thanked everyone for coming and for their cooperation.

#### CONDITIONS FOR CONDITIONAL USE PERMIT FOR CU2010/04

1. Hamm to maintain compliance with all applicable local, state, and federal regulations including blasting, air, storm water, and zoning provisions enumerated in Article 23-105 (51) for quarries.
2. Hamm to limit ingress egress to the site along that section of Clark Road as shown on the development plan.
3. Hamm to improve applicable sections of Clark Road according to road specifications the County provides Hamm, including a 24' road bed with asphalt overlay. Hamm will complete Clark Road improvements at Hamm expense prior to the commencement of mining operations and maintain that portion of Clark Road as long as the quarry is operational according to current road specifications and any amendments thereto. Hamm will follow the approved developmental plan filed for any proposed road work on 31st Street.
4. Hamm to construct KDOT recommended improvements to US 24 Highway at the Clark Road intersection. Improvements must be completed at Hamm expense prior to commencement of mining operations.
5. Hamm to provide pre-blast survey by independent entity according to industry standards for structures within ½ mile of the subject site upon request of property owners.
6. Hamm shall maintain a commercial General Liability Insurance policy with minimum limits of \$1,000,000.00 for each occurrence with a general aggregate of \$2,000,000.00 and products and completed operations of \$2,000,000.00 to cover damages caused by quarry operators.
7. Hamm shall comply with reclamation performance bonding filed with the State Conservation

Commission in the amount required by Kansas State Statutes and Kansas Administrative Regulations in effect and hereafter amended.

8. Hours of operation will be from 7:00 a.m. to 6:00 p.m., five (5) days per week. No operations will be on Sundays or holidays unless directed by state or federal authorities to meet an urgent public need.

9. Hamm shall be responsible for Noxious Weed Control on the CUP site in accordance with State laws.

10. Hamm shall work with neighboring property owners, where appropriate to maintain existing fencing in at least its present condition and maintain fencing along roadway perimeters on the site in at least present condition. The entire mining operation shall be fenced.

11. The property shall not be used or requested for use as a sanitary landfill within the life of the conditional use permit or any point after the extraction process is complete.

12. Hamm shall place and maintain a sign at the access point along Clark Road that will provide the following information: quarry name, site address, and relevant contact information.

13. Hamm shall place "No Trespassing" signs as shown on approved development plan.

14. The rock processing plant and associated aggregate production facilities shall remain in the main operations area as shown on applicant's development plan as Phase 1.

15. The County Commission will review the Conditional Use Permit every five (5) years from the date of approval. The County can enforce conditions in the Conditional Use Permit at all times. Hamm shall file a report on compliance with conditions and operations including reclamation with the Jefferson County Planning and Zoning Department upon request of the Planning & Zoning Administrator prior to each five (5) year review by the County Commission as part of the review process.

16. A representative or any agent of The Jefferson County Planning & Zoning Department will be allowed access to the conditional use property during regular business hours for condition compliance purposes.

17. Hamm's/Property Owner Agreement shall be on file with the Jefferson County Planning & Zoning Department. Any modifications or revisions or amendments shall be submitted and updated within thirty (30) days of any modification, revision or amendment.

18. Seismograph shall be maintained and operated to monitor the vibrations generated by the quarry. The seismograph records shall be made available to interested parties. Hamm will implement a program whereby neighbors wishing to be notified of blasts that will occur outside the daily two (2) hour blasting window, normally noon to 2:00 p.m., will receive a phone call regarding the approximate blast time which could occasionally occur outside the normal blasting time period.

19. All Applicants must sign a irrevocable restriction covenant preventing property owners from requesting a landfill on the property.

20. Hamm shall comply with all reclamation laws and regulations of the Kansas State Conservation Commission under the Surface Mining Land Conservation and Reclamation Act.

There being no further business to come before the Board they adjourned to meet in regular session on June 14, 2010.