

**UNOFFICIAL MINUTES OF THE JEFFERSON COUNTY
BOARD OF COMMISSIONERS**

**Disclaimer-This document represents the "unofficial" minutes of the Jefferson County Board of Commissioners. At this point it is a working document and does not become official until the Board approves the minutes at a subsequent meeting. It is to be used for informational purposes only.*

The Jefferson County Board of Commissioners convened in regular session on Monday January 23, 2012 at 1:00 p.m. Present were Commissioners, Richard Malm, Roy Dunnaway, Lynn Luck, Jan and Mike Hayes County Counselors and Linda M Buttron, County Clerk.

Vouchers were reviewed and approved by the Counselor and the Board. A notice to the township board for a beer license was signed. A letter of support for the Jefferson County Service Organization was signed. Richard moved that the Board sign an agreement with The Guidance Center for 2012 services in the amount of \$37,240 (as was approved in the 2012 budget). Lynn seconded. All voted in favor of the motion. The Board signed the Annual Noxious Weed Eradication Progress Report for 2011. Lynn moved that the minutes of January 9, 2012 be approved as presented. Roy seconded. All voted in favor of the motion.

Francis Hubbard, Road and Bridge Superintendent met with the Board. He reported on Bridge #OS 32A. He has permits from the State but is waiting on Corp of Engineer's permits and flood plain permits from Planning & Zoning. He will put out an invitation to bid once permits are in hand. He also discussed two motor graders up for re-purchase March 15. He will be putting out invitation for bids soon. Grader routes were discussed. Hamm's Quarry will be closing 31st street east for 2500' in accordance with

CU2010/04. Hamm's Quarry has also notified the department of a 40 – 65 cents per ton increase in the cost of rock effective January 30th. The Board granted permission by consensus for Francis and an employee to attend a Murphy Tractor factory tour in Davenport Iowa.

James Tweed, Ambulance Service Director met with the Board. James recommended that the Board consider authorizing an increase in the Department's fee schedule. With the increase Jefferson County's fee will be close to the average fee charged by other ambulance services in the region. Lynn moved that the ambulance department be authorized to make a \$50 increase to all base rates for the department. Roy seconded. All voted in favor of the motion. James discussed requesting bids for construction of the Meriden substation. The Board approved sending invitations for bid by consensus with a closing date of February 24th at 4:00 p.m. Bids are for the construction of a 60' x 40' x 14' metal building in Meriden, Kansas for the Jefferson County Ambulance Service. James asked for permission to seek bids for lease purchase of the building from local banks. Permission was granted by consensus.

Bill Noll, Planning & Zoning Director met with the Board. Bill stated that he has spoken to Alex Noll and Alex indicated that he is in favor of the County's Comprehensive Plan (as was asked at the January 9th meeting). Richard moved that Alex be appointed to the Planning & Zoning Commission. Roy seconded. All voted in favor of the motion. Bill discussed communications between his office and Lee Hendricks, Meriden City Attorney regarding the easement for the Spiess Property with the City of Meriden. In response to Mr. Hendricks inquiry with regard to whether a building permit is necessary for the lift station on the property, Mr. Noll is of the opinion that a building permit is not needed due

to the fact that the structure is a part of the lift station's equipment and therefore is part of the utility not a standalone entity.

Roy moved that Rick McFarland, USD 339 Guidance Counselor be appointed to the Jefferson County Substance Abuse Council. Lynn seconded. All voted in favor of the motion.

Richard moved that Resolution 2012-001 be adopted establishing fees for registration of Scrap Metal Dealers due to new legislation effective in January 2012. Roy seconded. All voted in favor of the motion.

Richard moved that Resolution 2012-002 establishing a speed limit of 30 mph traveling northerly and southerly on Frazier Street from a point where Frazier intersects with Ratz Street to a point where Frazier intersects with 19th Street, all being within rural Jefferson County be adopted. Lynn seconded. All voted in favor of the motion.

Richard moved that the resignation of Derrill Campbell, Rock Creek Township Clerk be accepted and that James Gerety be appointed to fill the unexpired term. Lynn seconded. All voted in favor of the motion.

Harry Chrisman, Meriden met with the Board. He asked what the County intended to do with the Hickory Acres property taken by the County. Jan stated that the person who owned the property has one (1) year to contest the sale. At that time (December 7, 2012) the County may elect to sell the property by sealed bid.

Conditional Use Permit 2011/03 for a sand dredging operation east and south of the City of Perry was taken off the table for

discussion. Bill Noll and Linda Finger, Planning & Zoning staff were present for the discussion. The Chairman asked for any further public comment on the case. Richard discussed the fee structure proposed by the Planning Commission. He suggested that the fee structure be reviewed every five years. He also suggested a fee set at 15 cents per ton or 2 to 2-1/2 % per ton be imposed. Lynn commented with regard to the fee structure. She stated that she felt the fee should not be shared with Douglas County. John Eichmann, Midwest Concrete Materials (MCM) commented with regard to the fee structure. John stated that the company would be paying Jefferson County property and sales tax and requested that the Board consider lower fees than what was suggested. He also stated that a review every five years makes it difficult to plan for the business. Richard asked if a 10-year review would help in that concern. John indicated that it would. John stated that \$5.51 per ton is last year's average sales price for materials in a similar operation. Richard moved that the Conditional Use Permit 2011/03 be approved with the conditions of approval recommended by the Planning Commission: 1)MCM acquisition of all state and federal permit approvals required for operation of a sand dredging and processing facility in the proposed location. Copies of those permits shall be provided to the Jefferson County Planning & Zoning office. 2)MCM shall provide an accurate legal description for the site that matches the requested acreage for the application for a Conditional Use Permit. 3)An approved County Floodplain Development Permit issued to MCM (approval of a floodplain development permit requires that all prior required and necessary approvals by State and Federal Agencies involved in floodplain & wetlands management have been granted.) 4)The Engineering "no-rise" certification and the Floodplain Study for MCM Jefferson County Sand Plant need the street address and general descriptions to be revised to match the Development Plan's revised legal

description. 5) MCM submittal of Conditional Letter of Map Revision (CLMOR) for the fill work on the site, to the FEMA Region VII office prior to any site development work; and, approval by FEMA of the CLOMR before sand dredging or extraction begins on the site. A LOMR must be completed within 6 months of beginning construction activity on the site. 6) An agreement be executed between MCM and Jefferson County that would provide for a 2% user fee to be collected and paid annually to Jefferson County to defray the increase in on-going maintenance costs for roads. This fee shall be reviewed in 10 years and then every 5 years thereafter. The user fee shall be capped not to exceed 5%. 7) Revisions to the Development Plan, cited below as subsections a-g, and submittal of two copies of the revised Development Plan to the Jefferson County Planning & Zoning Office.

- a. Add a note on Sheet 1 of 5 of the Development Plan that requires, in accordance with the land lease agreement, areas “not actively being excavated” be available for agricultural crop production.
- b. Operation hours for the sand plan shall be from 6:30 a.m. to 6:30 p.m., Monday through Friday; unless 48-hour advanced notice is given to the Planning & Zoning office that the hours need to be extended to 8 p.m. or to include Saturdays. The length of these exceptions should be included in the advance notice and the extent of exceptions shall not extend beyond one month out of a calendar year.
- c. A surveyed legal description shall be provided for the actual site area with acreage of no greater than 205 acres being included in the new legal description. The “Site Summary” acreages on Sheet 1 of 5 be corrected based on the surveyed legal description of the Sand Plant site.
- d. MCM emergency response plan be filed with the Jefferson County Emergency Management Department.

Updates to this plan be filed with the same department in a timely manner.

- e. Copies of all State or Federal permits received by MCM for the operation of a Sand Plant on the Development Plan site shall be filed with the Jefferson County Planning & Zoning Office. Copies of all required plans filed with State or Federal Agencies (i.e., SPCC Plan filed with EPA) also shall be provided to the Jefferson County Planning & Zoning Office.
- f. A note be added to the Development Plan that “A sign be posted at the scale house that all trucks loaded with any product from the sand plant shall be covered with a tarp prior to exiting the premises.”
- g. Outside lights be equipped with a “lite-blocker”, or a similar shield product, to prevent light trespass off the site and excess glare toward motorists on Lecompton Road.

8) The plan be revised to show the addition of a 12’ wide, 180’ long taper lanes, as presented on applicant’s display, at the entrance going both north and south.

Roy seconded. All voted in favor of the motion.

Mike Hayes asked for an executive session to discuss matters of attorney client privilege. Richard moved that the Board go into executive session to discuss matters of attorney client privilege until 2:30 p.m. Undersheriff Robert Chartier & Treasurer, Mary Underwood were invited to stay to facilitate the discussion. Lynn seconded. All voted in favor. The Board recessed at 2:19 p.m. Present were the Board, Jan & Mike and Robert & Mary. The Board reconvened at 2:30 p.m. The chairman announced that no binding action was taken during executive session. Richard

moved that the Board go back into executive session to discuss the same issue with the additional party of Doug Schmitt, Emergency Management Director present to facilitate the discussion until 2:40 p.m. The Board recessed at 2:31 p.m. Present were the parties named above with the addition of Doug Schmitt. The Board reconvened at 2:40 p.m. The chairman announced that no binding action was taken during executive session.

Susan Newell, 911 Director asked for an executive session to discuss matters of non elected personnel. Lynn moved that the Board go into executive session to discuss matters of non-elected personnel until 3:00 p.m. Richard seconded. All voted in favor of the motion. The Board recessed at 2:41 p.m. Present during the session were the Board, Susan, Mike & Jan to facilitate the discussion. The Board reconvened at 3:00 p.m. The chairman announced that no binding action was taken during executive session. The Board agreed by consensus to authorize Susan to advertise for a dispatcher due to a resignation.

Chris Schmeissner, GIS/IT Director met with the board. Chris asked for an executive session to discuss matters of non-elected personnel. Richard moved that the Board recess into executive session until 3:15 p.m. Lynn seconded. All voted in favor of the motion. The Board recessed at 3:03 p.m. Present during the session were Chris and the Board. The Board reconvened at 3:15 pm. The Chairman announced that no binding action was taken during executive session. The Board agreed by consensus to authorize Chris to advertise for two positions due to resignations.

There being no further business to come before the Board they adjourned to meet in regular session on January 30th, 2012.