

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

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June 15, 2020

The Jefferson County Board of Commissioners convened in regular session on Monday June 15 at 1:00 p.m. Present were Commissioners Lynn Luck, Wayne Ledbetter and Richard Malm. Also present were Counselor Josh Ney and County Clerk Linda M. Buttron.

Vouchers were reviewed and approved by the Counselor and the Board. Richard moved that the minutes of June 1 be approved as presented. Wayne seconded. All voted in favor of the motion.

Treasurer Lisa Buerman met with the Board. She asked that the Board transfer nine (9) lots to the Land Bank as she has a buyer interested. Wayne moved that Lots 5-12 Block B and Lot 5 Block A in Hilldale South Subdivision be transferred to the Land Bank. The Board then recessed as the Board of Commissioners and reconvened as the Land Bank. Richard moved that the 9 lots be published for sale. Wayne moved that the old Grantville Grade School be conveyed to the Kaw Township Board. Richard seconded. All voted in favor of the motion. The Land Bank Board adjourned. The Board reconvened at the Board of Commissioners.

Crystal VanHoutan, Health Department Administrator met with the Board. Crystal updated the Board on COVID 19 statistics. Jefferson County is still at 22 cases. Crystal discussed school nursing contracts and presented 3 contracts for consideration, USD 338, USD 339 and the Northeast Kansas Educational Service Center. Richard moved that the three contracts be approved and signed. Wayne seconded. All voted in favor of the motion.

Dustin Parks, Community Development Director met with the Board. He discussed a legal non-conforming property at 1702 Wellman due to a Planning & Zoning decision by a previous zoning administrator. He also discussed requiring a plat for property at 18101 Marion Road to resolve the issue of being split incorrectly in 2003.

Ben Domann, Public Works Director met with the Board. Ben updated the Board on crew work including beginning dust control work, ditching in Clarke road, patching on 39th street, crack sealing on 118th. He also reported that IT has flown their drone over low water crossings that might be eligible for grants through the Watershed Institute as was done on Kiowa road. Also mentioned was that the Lecompton road project is complete.

Richard moved that the Board recess into executive session to discuss matters of attorney client privilege with regard to contract negotiation with James Tweed present to facilitate the discussion until 1:25 p.m. Wayne seconded. All voted in favor of the motion. The Board recessed at 1:17 p.m. Present during the session was the Board, Josh and James. The Board

reconvened at 1:25 p.m. The chair announced that no binding action was taken during executive session.

At 1:30 p.m. zoning cases were presented for consideration by Dustin Parks. Cases PR2020-02 & Z2020-02 -a request to consider the final plat of the JC Trust Subdivision brought by Barry Feistner, 7742 130th St., Valley Falls, KS 66088. After discussion Richard moved that the request and plat be approved as presented. Wayne seconded. All voted in favor of the motion.

Case 2020-03 – a request to consider application for a Telecommunications Tower located at 7883 Union Rd brought by Network Real Estate, LLC on behalf of Wilbur Wagner of 8814 N K92 Highway, McLouth, KS 66054. After discussion Lynn moved that the request be approved as presented. Richard seconded. All voted in favor of the motion.

Case 2020-02 a request to consider a Conditional Use Permit for a rock quarry of approximately 390 acres brought by Mid States Material, LLC on behalf of Scott & Lori Navinsky of 19957 Wise Rd., Atchison, KS 66002. Dustin reviewed the staff report and read the following conditions recommended by the Planning Commission.

1. Limit Ingress and Egress to that section of Mooney Creek road as shown on the development plan.
2. A road maintenance agreement acceptable to the County must be in place (prior to any site development), including widening (maintaining the existing 40' right of way) the road bed width to a minimum of 24 feet and asphalt overlaying the first 300 feet of Mooney Creek Road north from Rogers Road; and that the applicant/operator maintain Mooney Creek road, north from Rogers Road, as long as the quarry is operational. The cost of all public improvements to that section of Mooney Creek road must be completed at the applicant/operator's expense including, but not limited to, engineering services, utility relocations, and construction. This must be done prior to any quarry operations beginning. The County will monitor the condition of the road and if at any time feel the maintenance is not to a sufficient standard can place the applicant/operator on notice for a specific timeline for bringing the road into a condition deemed satisfactory to the County. standard can place the applicant/operator on notice for a specific timeline for bringing the road into a condition deemed satisfactory to the County.
3. The applicant may be required to acquire all rights-of-way deemed necessary for the project by the Director of the Jefferson County Road and Bridge department and convey such property interests to Jefferson County without cost to the county. Nothing herein shall be construed as a commitment by the Jefferson County, Kansas Board of County Commissioners to exercise its powers of eminent domain to improve that section of Mooney Creek Road north of Rogers Road.
4. A traffic study for that section of Rogers road between Wallace and Wise, focusing on the intersection of Mooney Creek and Rogers road shall be done, by an independent third party, at the applicant/operator's expense. The traffic study shall provide a projected road degradation timeline both with, and without, the applicant/operators estimate of up to an average of 60 trucks per day.

5. The number of acres that can be actively mined at any one time is 40 acres and 20 acres may be used for Crushing activities, loading and stock piling and provide associated reclamation schedule to the Planning and Zoning office.
6. Mid-States Materials, LLC shall provide a pre-blast survey by independent entity according to industry standards for structures within 1/2 mile of the subject site upon request of property owners.
7. Mid-States Materials, LLC shall comply with reclamation performance bonding filed with the State Department of Conservation 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., 6 (six) 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. Mid-States Materials, LLC 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.
10. 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.
11. Mid-States Materials, LLC shall place and maintain a sign at the access point along Mooney Creek Road that will provide the following information: quarry name, site address, and relevant contact information.
12. The rock processing plant and associated aggregate production facilities shall remain in the area designated as "Orange Phase" on the applicant's development plan.
13. All Applicants must sign an irrevocable restriction covenant preventing property owners from requesting a landfill on the property.
14. Mid-States Materials, LLC shall be responsible for Noxious Weed Control on the CUP site in accordance with State laws.
15. Mid-States Materials, LLC shall 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.
16. Mid-States Materials, LLC shall provide the Planning and Zoning office a written statement establishing a 2-hour window in which blasting will normally occur during a normal working day.
17. Seismograph shall be maintained and operated to monitor the vibrations generated by the quarry. The seismograph records shall be made available to interested parties. Mid-States Materials, LCC will implement a program whereby neighbors wishing to be notified of blasts that will occur outside the daily blasting window will receive a phone call regarding the approximate blast time which could occasionally occur outside the normal blasting time period.

18. Permanent outdoor lighting at the plant area, mining area, and along haul roads shall be shielded and directed downward with a solid screen to aid in preventing light pollution beyond site boundaries.
19. The Jefferson County Board of County Commissioners, or an appointed representative thereof, shall have the right, without advance notice, to enter the premises and inspect any aspect of the quarry operation for compliance with the conditions of this permit. Further, the Jefferson County Board of County Commissioners or appointed representative thereof, shall be authorized to:
 - a. Order the applicant/operator or its agents to adopt such remedial measures as are necessary to comply with the conditions of this permit. In such cases, the applicant/operator shall be given no more than ninety (90) days to rectify any condition of noncompliance.
 - b. If the applicant/operator violate any of the restrictions of uses enumerated for this permit, the Jefferson County Board of County Commissioners, after due notice and an opportunity for a hearing, may suspend or revoke part or all of this Conditional Use Permit, and any development plan amendments to this Conditional Use Permit hereafter approved.
20. Sight and noise screening berms shall be erected using overburden materials from the site. These berms shall be constructed in such a way to inhibit the view of mining operations from neighboring properties and residences within ¼ mile of the site.
21. A copy of all State and Federal permits associated with this site shall be filed with the Jefferson County Planning and Zoning office.
22. Prior to beginning mining operations in a new phase, the applicant/operator shall notify, in writing, all residences within one quarter (1/4) mile of the site as well as the Jefferson County Planning and Zoning office.
23. The Jefferson County Board of County Commissioners shall review this CUP every five years from the date of approval. Mid-States Materials shall file a report on compliance with conditions and operations including any completed or in process reclamation activities upon request of the Planning and Zoning office prior to each five (5) year review by the County Commissioners as part of that review.
24. No mining operations within 500 feet, or less, of any existing residence.
25. Disable vehicle reverse beeping except where required by law.
26. Request that Road and Bridge develop a recommended speed limit for Mooney Creek road North of Rodgers Road.
27. The applicant/operator shall mine the purple phase, as shown on the development plan, last.

Protest petitions were filed on this case by adjoining property owners. Ben Domann presented information about maintenance costs on Rogers road in it's current state. From 2015-2020 \$334,210 was spend on Rogers road. That includes \$113,000 spent in 2018 to chip and seal the road. Representatives from Mid States Material were present for the discussion. The chair asked for public comment. Rick Eckert spoke in favor of the request. Several people spoke in opposition to the request including Robert Roediger, Amber Scott, Carol Baker and Kenny

Davies. After the public comment, Richard moved that the matter be tabled indefinitely until Road and Bridge and Community Development can provide a report on the condition of the road from 59 highway to the County line to the east, provide bridge inspections reports on the 15 ton bridge to the west of the proposed quarry and review the possibility of a road maintenance fee on Rogers road. Wayne seconded. All voted in favor of the motion.

Lynn moved that the Board recess into executive session for matters of attorney client privilege with regard to pending litigation until 2:55 p.m. with Attorney Adra Burks, Josh and the Board present to facilitate the discussion. Wayne seconded. All voted in favor of the motion. At 2:45 the chair announced that the motion would be amended to include Engineer Joe McAfee in the discussion and the session would be extended until 3:00 p.m. The Board reconvened at 3:00 p.m. The chair announced that no binding action was taken during executive session.

The Board will meet in special session on June 18 at 9:00 a.m. to discuss the next phase with regard to the Corona Virus pandemic.

There being no further business to come before the Board they adjourned to meet in regular session on June 22, 2020.