

## *Minutes of September 11th, 2023*

Chairman Kelly called the meeting to order at 9:00 a.m. Commissioner Dan Brenner was present Commissioner Mark A. Pruett was present. Deputy County Clerk Errin Bourdon recorded the minutes. The Pledge of Allegiance was recited.

**Clarification to August 21<sup>st</sup>, 2023**, minutes. The Senior Center has many volunteers that come and pick up meals and take them back to Denison. They do not have a delivery driver that works for the County that does this. It is strictly on a volunteer basis.

Greg Maxwell –CFS Engineering would like the opportunity to make a proposal for the design of bridge work in Jackson County. Commissioners directed him to Scott Kiefabber, Public Works Director for the bid process.

County Appraiser Kate Immenschuh received a letter from Gary Schreiber requesting an extension on the cleanup process of the property they recently purchased. Commissioners approved 3/0.

Resident compliance issue with living in a camper. Resident requested use of the camper to work out of it. Commissioners denied request 3/0.

Public Works director Scott Kiefabber and Road Superintendent Wade Cormier met with the Commissioners to give their weekly report.

Commissioner Kelly signed a request and petition to occupy county right of way for Phillip Swank and Margaret Kremers.

They have had 34 vouchers turned in at the landfill this past week (Thursday, Friday & Saturday).

Knotty pine – put the fuel in barrel 1 not barrel 2 as instructed. Scott Will get ahold of Brett Fletcher.

Wade gave his weekly road update

COMPLETED LAST WEEK, 5-8 September 23:

110 Dirt working to K, Some rock

Some Rock on 110 and 142 in Delia, Mowing in Delia

Asphalt on 110

3 tubes washed, 3 replaced

THIS WEEK, 11-15 September 23:

110 Ditching on last mile. 2 entrance pipes

Asphalt on 254, K, 198  
Patching W-214, 174, 190, P.  
Mowing  
X-150 trim Trees

FUTURE PLANNING:

110-N-K Project, Continue  
Bridge on 254, Continue  
Patching  
W-302-254

Wade Cormier has asked Commissioners to change all dirt roads to minimum maintenance roads. Commissioners will have County Counselor Lee Hendrick research and see what the options would be.

Traffic count on 110 from Hwy 75 to K. and then on 106 from K to E. Trying to figure out how much traffic is taking 75 Hwy to E Rd.

Commissioner Dan Brenner made a motion to continue supporting the JCCTCC. Commissioner Pruet 2<sup>nd</sup> motion. Approved 3/0.

Commissioner Kelly signed off FY23 Community Corrections Year-End Outcome Report Signatory Approval Form for Youth Services Director, Brooke Smith. Brooke also gave an update on employment opening and goals she must get them filled.

Commissioner Pruet made a motion to approve the August 28<sup>th</sup> minutes. Commissioner Kelly 2<sup>nd</sup> the motion. Approved 2/0. Commissioner Brenner was absent for the August 30<sup>th</sup> meeting and did not vote.

County Counselor, Lee Hendrick joined the meeting.

Commissioner Brenner made a motion to go into executive session for 30 minutes. attorney client privilege. Commission Pruet 2<sup>nd</sup> the motion. Executive session started at 10:37am. 11:07 Extended for 30 minutes, same business. 11:37am extended for 18 minutes, same business. Opened the doors at 11:55am. No decisions were made.

Commissioner Brenner made the motion to recess for lunch, Commissioner Kelly 2<sup>nd</sup> the motion. The motion passed 3/0. Recessed at 12:00pm.

Opened the meeting at 1:00pm

Banner Lake Director, Kurt Zibell brought in the 2023-2024 hay lease. Commissioner Pruett made a motion to approve the increase in hay lease. Commissioner Brenner 2<sup>nd</sup> the motion. Approved 3/0.

Solar Advisory Board -

Don Breeze, Bill Conley, Chris Johnson and David Brown – members of the Solar Advisory Board for Jackson County. The board has both participating and non-participating landowners' members. Kate Immenschuh, County Appraiser; Ali Holcomb, Holton Recorder; Richard Elliott, Jackson County resident, Cathleen McMahon, Jackson County resident.

These are NOT regulations. These are bullet points for topics of discussions.

Projects Boundaries – Area, Boundary, Buffer Zone, Extent

Locational and Dimensional Standards for Solar Facilities – Maximum extent

Setbacks – Participating parcels and non-participating parcels

Property lines within project area

Setbacks from dwellings

Height Restrictions – Maximum

Security Fencing – Fencing, ground cover, vegetation

Screening -

Commissioner Kelly announced at the beginning of the meeting, that it was for information only and there would be no public comments.

Anything that is made as far as suggestion are not decision we are making today.

Everyone introduced themselves and gave a little background.

The Board Consists of:

Chris Johnson, Don Brees, Bill Conley and David Brown

Lee started with the project area and extent. This is not a final regulation it is maybe a 5<sup>th</sup> of what will be in there.

The counties the Commissioners looked at were Johnson, Douglas, Kingman and Butler.

Thoughts/concerns from board members: The project area could be no farther than 1 half mile from the project, if it is it would be a separate project? Yes, that is correct. Has the zoning board reviewed this? No, since Lee is here weekly, the thought was to come up with a rough draft and then give it to the zoning board to review and make changes they see fit. David brown came late, and Lee explained to him that it is not the full draft as he thought several things were missing. Lee explained this was the hot box topics that they wanted input on. Setbacks are a big question. The boards concern is about the waiver. If the waiver doesn't have a negative effect on the landowner, it should be kept in the draft. If someone gives

consent, then there is no waiver, and it would be passed on to the next home buyer. Can we require this to be filed with the county deeds office? Without a doubt it will be filed with the Register of Deeds. How would the waiver work if the company wanted to contest its unreasonable, would they have to prove it? Everything needs to be defined clearly. They talked about soundproofing and distance from homes so the decibel noise wouldn't be heard.

Setbacks: Not less than a mile radius from a residence and some thought that was too far. Inverters, Screenings, will those change what the setbacks would be?

All cities within 1.5 miles should be notified. They believe you should notify anyone within a 5-mile radius. The board would like testing done throughout the year. The status of the property for setback purposes that says that is a residence. If you have a building permit or a residence at the time, there will be a setback when the project is started. How far should that be? What is the distance between nonparticipating to participating property lines? 150 feet? Is that enough? The board believes that 150 feet at the least and would like to have further discussion on this.

They went over the leases that have been filled with the county and showed them the map that has those on it. No one can determine where it will be at this time. The company will file the lease with the county is what Don believes happens, it will show the company has an interest in the land. The committee appreciated the map showing the area.

Keith asked if the 1 mile was a drop-dead distance? Doesn't think anyone would have anything to complain about if the setback is 1 mile, not sure about a half mile. Concentration of land makes a huge difference. It's a great starting point.

The Commissioners told the board they are going to require an escrow account to cover the decommissioning costs.

They want to make sure they are protecting the County the best they can. The Commissioners want to respect the Delia area. They understand that people want to live in the country, and they are trying to help preserve that to a certain extent.

They will send any thoughts and questions to the Clerk or the Commissioners email.

They will think about some of the questions that were asked and meet again in a couple weeks to discuss them further.

The board thanked the Commissioners for the opportunity to be a part of this and appreciate the fact that the Commissioners are taking this seriously. This is a really big decision that will impact a lot of people for a long time.

Advisory board members left the meeting at 3:00pm.

Commissioners received a letter from a citizen, no action was taken.

Received a Thank you note from the Jackson County Sheriff Office.

Approved the September 8<sup>th</sup> payroll.

Commissioner Brenner made a motion to approve the September 5<sup>th</sup> work session minutes. Commissioner Kelly 2<sup>nd</sup>. Approved 2/0. Commissioner Pruett was absent for the meeting, he did not vote on the approval.

Commissioner Pruett made a motion to adjourn the meeting. Commissioner Brenner 2<sup>nd</sup> the motion. Approved 3/0. Adjourned at 3:50pm.

Signed the following payroll changes:

Department	Employee	From	To	Reason
Road & Bridge	Semetha Chapman		0	Discharge
Road & Bridge	Wesley McClane	0	18.17	New Hire
Road & Bridge	Shane Ware	0	17.64	New Hire
Sheriff Office	Chad Ballenger	21.32	21.62	Anniversary
Road & Bridge	Colt Melling		0	Resignation

Board of County Commissioners  
Jackson County, Kansas

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Mark Pruett, 1<sup>st</sup> District

Attest:

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Dan Brenner, 2<sup>nd</sup> District

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Kristie D. Richter  
Jackson County Clerk

\_\_\_\_\_  
Keith Kelly, 3<sup>rd</sup> District

