



COUNTY COMMISSION

Monday, September 12, 2016

5:00 PM Following Public Building Commission Meeting

Ellis County Administrative Center – Commission Room

Order of Business

I. Opening

- A. Call to Order
- B. Pledge of Allegiance
- C. Clerk Calls the Roll
- D. Order of Business
Consideration of Amendments

II. Prior Minutes September 6, 2016

III. Consent Agenda

- A. Approval of Employee Status Changes as presented
- B. Approval of Refunding Warrants as presented
- C. Approval of Tax Roll Adjustments as presented
- D. Approval of Escape Tax Orders as presented
- E. Approval of Adds and Abates as presented
- F. Approval of Accounts Payable and Payroll as presented

- IV. Issues from Persons Not on the Order of Business
- V. Conditional Use Permit 1612 – Midwest Energy (Environmental Sanitarian/Zoning Administrator Karen Purvis) Enclosure
- VI. Conditional Use Permit 1613 – Glen Teel/Adam Stenzel (Environmental Sanitarian/Zoning Administrator Karen Purvis) Enclosure
- VII. Vehicle Bids (County Sheriff Ed Harbin) Enclosure
- VIII. Road Petition Vacation for Randall Lane located in Section 16, Township 14 and Range 18 (County Administrator Phillip Smith-Hanes and County Clerk Donna J. Maskus) Enclosure
- IX. Jail Staffing (County Administrator Phillip Smith-Hanes) Enclosure
- X. August Monthly Financial Report
- XI. County Counselor Reports (County Counselor Bill Jeter)
- XII. County Administrator Report (County Administrator Phillip Smith-Hanes)
- XIII. County Commission Reports
- XIV. Executive Session(s)
- XV. Adjournment

ELLIS COUNTY
AGENDA ITEM COVER SHEET
COMMISSION AGENDA DATE: September 12, 2016

TOPIC:

Conditional Use Permit

Number 1612- Midwest Energy for a self-supporting communication tower and equipment building on the corner of Grants Villa Road and 250th.

ACTION REQUESTED:

Decision made by the County Commission to vote to either: approve the CUP, Disapprove the CUP, or send it back to the Planning and Zoning Commission for further discussion. If the Ellis County Commission votes to approve the application, a resolution will need to be signed, per Zoning Regulations.

DISCUSSION:

The Planning and Zoning Commission approved the Conditional Use Permit and the Development Plan variance B and are submitting to the County Commission for their final decision.

FINANCIAL IMPACT:

No financial impact to the County is anticipated

PRESENTED BY:

Planning and Zoning Chairman – David McDaniel and Zoning Administrator -Karen Purvis

REVIEWED BY COUNTY ADMINISTRATOR:

Yes No N/A

REVIEWED BY COUNTY COUNSELOR:

Yes No N/A

ATTACHMENTS:

Copy of the Finding of Fact, Copy of the August 24, 2016 draft minutes, copy of the staff report detailing the application, and Resolution to be signed if application is approved.



Ellis County Planning and Zoning

718 Main Street Lower Level Hays, KS 67601
(785) 628-9449 Fax (785) 628-9448
email karen@ellisco.net

September 1, 2016

Agenda Item for September 12, 2016 Commission Meeting Conditional Use Permit # 1612- Midwest Energy

The Public hearing on the above application was held on August 24, 2016. The Permit Application/Development Plan were sent to you previously.

Procedures of Article 32-102 of the Ellis County Zoning Regulations were followed, along with Article 20-102 through 20-104. A site inspection was conducted by the staff on the site in question.

At the close of the public hearing, the Planning Commission voted 6-0 to pass the Conditional Use Permit/Development Plan with the variance Option B. The fourteen day protest period ends on Wednesday, September 7th, 2016 at 5:00 p.m. As of this time there have been no formal protests made with the Ellis County Clerk to protest the Planning and Zoning Committee decision.

The Planning and Zoning Commission has directed the Committee Chairman and the Zoning Administrator to present this application for your approval. Your options are to approve the application, deny the application, or send it back to the committee for more information.

Attached you will find the Finding of Fact, the Draft Minutes from the August 24, 2016 meeting, and the staff report.

A handwritten signature in black ink, appearing to read "Karen Purvis".

Karen Purvis, R.S.
Zoning Administrator

JOINT PLANNING COMMISSION
ELLIS COUNTY, KANSAS

Application Number: 1612

Applicant's Name: Midwest Energy

Conditional Use Requested:

To place a self supporting telecommunication tower and adjacent equipment shelter that measures 8' x 12'.

Date of Hearing: 8/24/2016

Place of Hearing: Ellis County Commission Chambers

Recommendation:

- Approve
- Approve with conditions (attach conditions)
- Disapprove
- No recommendation

Guidelines and Findings of Fact

1. Whether approval of the conditional use would be consistent with the intent and purpose of the Ellis County Zoning Regulations.

Article 1-102 (a) states: To promote the health, safety, comfort and general welfare of the citizens of Ellis County, Kansas. Midwest Energy believes that it will provide comfort and general welfare.

2. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood.

The surrounding land is agricultural and oil production

3. Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided.

There is an existing entrance and it will be utilized, and no undue burden on service facilities are anticipated.

4. Whether the proposed use is made necessary or desirable because of change or changing conditions in the area affected.

They state that it is crucial to their technology infrastructure enhancements.

5. The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped.

Midwest energy has a current substation at the site now.

6. Whether the applicant's property is suitable for the proposed use.

Yes. We feel it doesn't affect surrounding agricultural properties.

7. The recommendations of permanent or professional staff.

Staff has stated that the applicant has supplied all necessary paperwork, fees were paid, sign was posted and that all other steps were followed.

8. Whether the proposed conditional use would be in conformance with and further enhance the implementation of the County's comprehensive plan.

In the comprehensive plan there is an Agricultural and Energy District.

9. Whether the relative gain to the public health, safety and general welfare outweighs the hardship imposed on the applicant by not upgrading the value of the property by approving the proposed conditional use.

Adding the additional telecommunications tower could be beneficial to the general public.

10. Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent (as authorized in Article XXVII of the Zoning Regulations), will not adversely affect the property in the area affected.

Surrounding property is agricultural or oil production, and there is a substation currently located on the property.

11. Other relevant factors based upon the facts and evidence presented in the application and the public hearing.

The Conditional Use Permit/Development Plan and documentation was complete, notifications were made, sign was posted, and protest period will be announced.

Date: 8/24/2016


Chairman



Ellis County Planning and Zoning

718 Main Street Lower Level Hays, KS 67601
(785) 628-9449 Fax (785) 628-9448
email karen@elliscounty.net

Staff Report- CUP- 1612 Presented August 24th at Public Hearing

Midwest Energy Staff made an inquiry about placing a self supporting telecommunication tower and adjacent equipment shelter that measures 8' X 12'. It would be located in the NE/4 of Section 9, Township 15, Range 18 on the corner of Highway 183 and Grants Villa Road, consisting of approximately 1 acre. There is a substation located at that facility presently.

Article 27 states that because the tower is planned to be over 50 feet in height, a Conditional Use Permit would be required. Midwest Energy staff worked with our office to get the necessary paperwork completed for the application.

1. A certified list of property owners located within the required 1,000 feet notification was obtained from a licensed abstractor.
2. A topography map of the area was provided that shows contours
3. A letter from Midwest Energy stating that they authorized Timothy J. Flax as the agent for the application.
4. The Fee consisting of \$50 dollars for the zoning certificate for the equipment building, \$50 for the CUP fee, \$60 for the publication fee and 5 notification fees of \$10 each were assessed. The total bill was \$210.00 and was paid by check.
5. The CUP application was approved by this office on July 13, 2016 and a public hearing was set for August 24th. The Office then sent the Public Hearing notice to the Hays Daily Newspaper that was published on July 19, 2016. The 5 – 1,000 feet notifications were sent out by Certified mail with return receipt on July 15, 2016.
6. A sign was supplied to the applicant to post at the proposed site. Staff visited the site to make sure that the sign was posted as required and to get a feel of the surrounding area. A picture of the posted sign is available if requested.
7. The application was sent to the Planning and Zoning Commission to review for the upcoming meeting.

It is now the job of the Planning and Zoning commission to review the facts and details and to ask questions of the applicant before reaching a decision for a recommendation to the Ellis County Commission.

This commission can choose to:

Approve, Approve with modification, deny, make no recommendation, or continue this hearing to the next meeting for additional information before a decision is made.

Ellis County Joint Planning Commission Meeting Minutes for August 24, 2016

Members Present:

Bryan Church
Dick Klaus
David McDaniel
Brett Schmidt
John Schulte
Rob Soneson

Members Absent:

Nathan Leiker

Staff Present:

Karen Purvis, R.S./Zoning Administrator
Lynette Stramel, Recording Secretary

Counsel Present:

Bill Jeter

County Administrator:

Phillip Smith-Hanes

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The August 24, 2016 meeting of the Ellis County Joint Planning Commission was called to order by Chairman David McDaniel at 7:00 p.m. The meeting was held at 718 Main Street Commission Chambers.

Roll call was taken. Six (6) members were present. There was a quorum.

Minutes: John Schulte moved to approve the June 29, 2016 minutes as written. Brett Schmidt seconded the motion. Motion carried 6-0.

Public Presentations:

none

Staff Report: Karen Purvis presented to the Planning and Zoning Commission the activity report from June 27 to August 19, 2016. She also gave the Commission the updated listing with new member Bryan Church.

Public Hearing 1:

Dick Klaus made the motion to Open the Public Hearing 1. Motion seconded by Bryan Church. Motion carried 6-0. Chairman McDaniel declared the Public Hearing for Conditional Use Permit 1612 Midwest Energy Inc. now open at 7:04 p.m. Chairman McDaniel asked the staff to present the Public Hearing agenda item. Karen Purvis presented the information relating to Midwest Energy Inc. Conditional Use Permit 1612. Chairman McDaniel asked the Commission members for any questions to Karen. There were no questions from members of the board.

Chairman McDaniel asked applicant representatives for Midwest Energy Inc. if they would like to speak and/or make a presentation. Mr. Timothy Flax, Vice President of Information Technology and the

authorized agent for Midwest Energy Inc. gave a presentation regarding the details and need for the self-supporting tower. One member from the audience inquired as to how tall the tower would be and the color. Mr. Flax stated the tower would be under the 200' barrier and silver steel in color. A member of the board inquired as to the ownership of the land and if property would be secured with a fence. Mr. Flax replied that Midwest Energy does own this land of approximately one (1) acre. There is a substation at this location now. There will be a secured locked fence. There were no members of the public who signed up wishing to address the commission. Mr. Flax did address the request for a variance in the Development Plan referring to Section 27-104 Item #32. A tower height of 140' meets current zoning regulations; however a variance from this would allow Midwest Energy to place tower height up to maximum of 180'. Legal Counsel stated the Joint Planning Commission could approve this variance for the higher tower height if desired.

Karen presented her findings for the Conditional Use Permit 1612 for Midwest Energy Inc. She stated all the procedures and forms were completed in a timely manner, fees paid and all requirements completed. Karen reminded the board of their determination options. Chairman McDaniel made a final request for any further questions for the applicants.

Motion made by Rob Soneson to Close the Public Hearing and begin deliberations. Motion seconded by John Schulte. Motion carried 6-0. Chairman McDaniel declared the Public Hearing closed at 7:27 p.m. Discussion proceeded among members concerning the CUP 1612 application. The Commission started the completion of the Guidelines and Finding of Fact for the Midwest Energy Inc. Conditional Use Permit 1612. Dick Klaus made a motion to approve the Conditional Use Permit 1612 for Midwest Energy Inc. as presented and to recommend approval to the County Commissioners. Motion seconded by John Schulte. Motion carried 6-0.

Brett Schmidt moved to approve the Development Plan as presented with Option B concerning the variance and to recommend approval to the County Commissioners. Rob Soneson seconded the motion. Motion carried 6-0.

Chairman McDaniel announced the protest period ends September 7, 2016.

Karen reminded all that protest petition forms are in the County Clerk's office. The CUP1612 Midwest Energy Inc. will be placed on the County Commission agenda and they will make the final decision.

Public Hearing 2:

Bryan Church made the motion to Open the Public Hearing 2. Motion seconded by Dick Klaus. Motion carried 6-0. Chairman McDaniel declared the Public Hearing for Conditional Use Permit 1613 Teel/Stenzel open at 7:40 p.m. Chairman McDaniel asked the staff to present the Public Hearing agenda item. Karen Purvis presented the information relating to the Teel/Stenzel Conditional Use Permit 1613. Chairman McDaniel asked the Commission members for any questions to Karen. A board member inquired as to who owner was of the property. Karen replied that currently Glen Teel is the owner, but if CUP1613 is approved Adam Stenzel plans on purchasing the property.

Chairman McDaniel asked applicant representatives for Teel/Stenzel if they would like to speak and/or make a presentation. Mr. Stenzel was not present. Mr. Teel came forward and spoke in favor of the board approving this CUP1613. During the public comment section there were six (6) people who spoke; one (1) in favor of approval with five (5) in favor of denying this request.

Karen presented her findings for the Conditional Use Permit 1613 Teel/Stenzel. She stated all the procedures and forms were completed in a timely manner, fees paid and all requirements completed.

Karen reminded the board of their determination options. Questions were asked by commission members to Karen. Chairman McDaniel made a final request for any further questions for the applicants.

Motion made by Bryan Church to Close the Public Hearing and begin deliberations. Motion seconded by Rob Soneson. Motion carried 6-0. Chairman McDaniel declared the Public Hearing closed at 7:58 p.m. Discussion proceeded among members concerning the CUP 1613 application. The Commission started the completion of the Guidelines and Finding of Fact for the Teel/Stenzel Conditional Use Permit 1613. John Schulte made a motion to disapprove the Conditional Use Permit 1613 for Teel/Stenzel as presented and to recommend denial to the County Commissioners. Motion seconded by Brett Schmidt. Motion carried 6-0.

Old Business: Chairman McDaniel opened the ongoing discussion concerning the possible changes to the County's Zoning and Subdivision Regulations. Dick Klaus made a motion to table this discussion until the next meeting. Brett Schmidt seconded the motion. Motion carried 6-0.

New Business:

Reorganization – Election of Officers

Chairman McDaniel opened the floor for nominations for the Chairman of the Planning and Zoning Commission for the upcoming year. Rob Soneson nominated David McDaniel for the Chairman position. Brett Schmidt seconded the motion. There were no other nominations. Rob Soneson moved the nominations cease and cast a unanimous ballot for David McDaniel for the Chairman position. Brett Schmidt seconded the motion. Motion carried 6-0.

Chairman McDaniel opened the floor for nominations for the Vice-Chairman position of the Planning and Zoning Commission. David McDaniel nominated Brett Schmidt for the Vice-Chairman position. Rob Soneson seconded the motion. There were no other nominations. Dick Klaus moved the nominations cease and cast a unanimous ballot for Brett Schmidt for the Vice-Chairman position. Rob Soneson seconded the motion. Motion carried 6-0.

Chairman McDaniel opened the floor for nominations for Recording Secretary Position of the Planning and Zoning Commission. David McDaniel nominated Lynette Stramel and/or Carla Meier for the Recording Secretary position. Dick Klaus seconded the motion. Motion carried 6-0.

Other Business:

none

Confirmation of next meeting date: The next meeting will be scheduled for September 28, 2016 at Ellis County Administrative Center Commission Chambers, 718 Main Lower Level, Hays, KS at 7:00 p.m.

Adjournment: John Schulte moved the meeting be adjourned. Rob Soneson seconded the motion. Motion carried 6-0. The meeting was adjourned at 8:16 p.m.

Respectively Submitted

Lynette Stramel

Chairman

Date

RESOLUTION NO. R-2016- 09

RESOLUTION OF THE BOARD OF ELLIS COUNTY COMMISSIONERS

WHEREAS, the Board of Ellis County Commissioners of Ellis County, Kansas , by the powers vested in it adopted Ellis County Zoning Regulations effective September 1, 2006, and

WHEREAS, pursuant to said Zoning Regulations the Board of County Commissioners has the authority to approve applications for conditional use permits.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ELLIS COUNTY, KANSAS, that:

A request for a Conditional Use Permit by Timothy J. Flax, Vice President of Information Technology, agent for the landowner, Midwest Energy, for a self-supporting telecommunications tower and adjacent equipment shelter is approved with option B upon the following described property, to wit:

A one acre tract of land in the Northeast Quarter of Section 09, Township 15, Range 18: beginning 310 feet West and 40 feet South of the Northeast corner of the Northeast quarter thence Southeast 170.53 feet thence South 241.69 feet thence West 146.37 feet thence North 288.31 feet to the point of beginning.

BE IT FURTHER RESOLVED that this resolution will become effective upon publication in the official County newspaper.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS, ELLIS COUNTY, KANSAS, this 12th day of September, 2016.

BOARD OF COUNTY COMMISSIONERS
OF ELLIS COUNTY, KANSAS

Dean F. Haselhorst, Chairman

Marcy L. McClelland, Commissioner

Barbara K. Wasinger, Commissioner

ATTEST:

Donna J. Maskus, County Clerk

ELLIS COUNTY
AGENDA ITEM COVER SHEET
COMMISSION AGENDA DATE: September 12, 2016

TOPIC:

Conditional Use Permit

Number 1613- Glen Teel/Adam Stenzel for a Wedding Venue/Reception Hall on Buckeye Road.

ACTION REQUESTED:

Decision made by the County Commission to vote to either: approve the CUP, Disapprove the CUP or send it back to the Planning and Zoning Commission for further discussion.

DISCUSSION:

The Planning and Zoning Commission disapproved the Conditional Use Permit and the Development Plan.

FINANCIAL IMPACT:

No financial impact to the County is anticipated

PRESENTED BY:

Planning and Zoning Chairman – David McDaniel and Zoning Administrator -Karen Purvis

REVIEWED BY COUNTY ADMINISTRATOR:

Yes No N/A

REVIEWED BY COUNTY COUNSELOR:

Yes No N/A

ATTACHMENTS:

Copy of the Finding of Fact, Copy of the August 24, 2016 draft minutes, copy of the staff report detailing the application



Ellis County Planning and Zoning

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September 1, 2016

Agenda Item for September 12, 2016 Commission Meeting Conditional Use Permit # 1613- Glen Teel/Adam Stenzel

The Public hearing on the above application was held on August 24, 2016. The Permit Application/Development Plan were sent to you previously.

Procedures of Article 32-102 of the Ellis County Zoning Regulations were followed, along with Article 20-102 through 20-104. A site inspection was conducted by staff on the site in question.

At the close of the public hearing, the Planning Commission voted 6-0 to **disapprove** the Conditional Use Permit/Development Plan. The fourteen day protest period ends on Wednesday, September 7th, 2016 at 5:00 p.m. As of this time there have been no formal protests made with the Ellis County Clerk to protest the Planning and Zoning Committee decision.

The Planning and Zoning Commission has directed the Committee Chairman and the Zoning Administrator to present this application for your consideration. Your options are to deny the application or to send it back to the committee for more information, or approve the application.

Attached you will find the Finding of Fact, the Draft Minutes from the August 24, 2016 meeting, and the staff report detailing the application.

A handwritten signature in black ink, appearing to read "Karen Purvis".

Karen Purvis, R.S.
Zoning Administrator

**JOINT PLANNING COMMISSION
ELLIS COUNTY, KANSAS**

Application Number: 1613

Applicant's Name: Glen Teel/Adam Stenzel

Conditional Use Requested:
To place a Wedding Venue/Reception Hall on the property.

Date of Hearing: 8/24/2016

Place of Hearing: Ellis County Commission Chambers

Recommendation:

- Approve
- Approve with conditions (attach conditions)
- Disapprove
- No recommendation

Guidelines and Findings of Fact

1. Whether approval of the conditional use would be consistent with the intent and purpose of the Ellis County Zoning Regulations.

Article 1-102 (a) states: To promote the health, safety, comfort and general welfare of the citizens of Ellis County, Kansas. The applicant believes it does.

2. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood.

The surrounding neighborhood consists of Agricultural land, oil production, residences, and an old school house that is used for various gatherings and functions.

3. Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided.

The wedding venue would mostly be used on weekends. The planned capacity of the building is approximately 350. There will need to be additional service facilities brought to the parcel, along with additional entrances.

4. Whether the proposed use is made necessary or desirable because of change or changing conditions in the area affected.

The applicant states that there is a shortage of larger places to hold weddings or receptions in the area.

5. The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped.

The property is undeveloped at this time. Glen Teel has been the owner since 2004.

6. Whether the applicant's property is suitable for the proposed use.

It is located approximately 7 miles north of Hays and 3/4 mile east. It is undeveloped at this time, and is a suitable building site for utilities.

7. The recommendations of permanent or professional staff.

Staff has stated that the applicant has supplied all necessary paperwork, fees were paid, sign was posted and that all other steps were followed.

8. Whether the proposed conditional use would be in conformance with and further enhance the implementation of the County's comprehensive plan.

In the comprehensive plan there is map of Future Land Use Plan. The area proposed falls within the Development Zone.

9. Whether the relative gain to the public health, safety and general welfare outweighs the hardship imposed on the applicant by not upgrading the value of the property by approving the proposed conditional use.

The purchase of this property is contingent on the approval of the conditional use application.

10. Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent (as authorized in Article XXVII of the Zoning Regulations), will not adversely affect the property in the area affected.

The surrounding neighborhood consists of Agricultural land, oil production, residences, and an old school house that is used for various gatherings and functions.

11. Other relevant factors based upon the facts and evidence presented in the application and the public hearing.

The Conditional Use Permit/Development Plan and documentation was complete, notifications were made, sign was posted, and protest period will be announced.

Date: 8/24/2016


Chairman



Ellis County Planning and Zoning

718 Main Street Lower Level Hays, KS 67601
(785) 628-9449 Fax (785) 628-9448
email karen@ellisco.net

Staff Report- CUP- 1613

Presented August 24th at Public Hearing

Adam Stenzel made an inquiry about what it would take to put in a Wedding Venue/Reception Hall out in the country. The location would be on Buckeye Road about ¾ mile east of 183 Highway. It is located in Section 22, Township 12, Range 18. It consists of approximately 9.8 acres. The parcel is owned by Glen Teel. The property will be purchased by the applicant if the Conditional Use Permit is approved.

Article 27- 104 states that a conditional use permit would be required to change the zoning from suburban residential to a commercial activity.

1. A certified list of property owners located within the required 1,000 feet notification was obtained from a licensed abstractor.
2. A topography map of the area was provided that shows contours
3. A letter from Glen Teel stating that he authorized Adam Stenzel as the agent for the application.
4. The Fee consisting of \$50 dollars for the zoning certificate for the building, \$50 for the CUP fee, \$60 for the publication fee and 8 notification fees of \$10 each were assessed. The total bill was \$240.00 was paid by check.
5. The CUP application was approved by this office on July 21, 2016 and a public hearing was set for August 24th. The Office then sent the Public Hearing notice to the Hays Daily Newspaper that was published on July 27, 2016. The 8 – 1,000 feet notifications were sent out by Certified mail with return receipt on July 22, 2016.
6. A sign was supplied to the applicant to post at the proposed site. Staff visited the site to make sure that the sign was posted as required and to get a feel of the surrounding area. A picture of the posted sign is available if requested.
7. The application was sent to the Planning and Zoning Commission to review for the upcoming meeting.

It is now the job of the Planning and Zoning commission to review the facts and details and to ask questions of the applicant before reaching a decision for a recommendation to the Ellis County Commission.

This commission can choose to:

Approve, Approve with modification, deny, make no recommendation, or continue this hearing to the next meeting for additional information before a decision is made.

Ellis County Joint Planning Commission Meeting Minutes for August 24, 2016

Members Present:

Bryan Church
Dick Klaus
David McDaniel
Brett Schmidt
John Schulte
Rob Soneson

Members Absent:

Nathan Leiker

Staff Present:

Karen Purvis, R.S./Zoning Administrator
Lynette Stramel, Recording Secretary

Counsel Present:

Bill Jeter

County Administrator:

Phillip Smith-Hanes

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The August 24, 2016 meeting of the Ellis County Joint Planning Commission was called to order by Chairman David McDaniel at 7:00 p.m. The meeting was held at 718 Main Street Commission Chambers.

Roll call was taken. Six (6) members were present. There was a quorum.

Minutes: John Schulte moved to approve the June 29, 2016 minutes as written. Brett Schmidt seconded the motion. Motion carried 6-0.

Public Presentations:

none

Staff Report: Karen Purvis presented to the Planning and Zoning Commission the activity report from June 27 to August 19, 2016. She also gave the Commission the updated listing with new member Bryan Church.

Public Hearing 1:

Dick Klaus made the motion to Open the Public Hearing 1. Motion seconded by Bryan Church. Motion carried 6-0. Chairman McDaniel declared the Public Hearing for Conditional Use Permit 1612 Midwest Energy Inc. now open at 7:04 p.m. Chairman McDaniel asked the staff to present the Public Hearing agenda item. Karen Purvis presented the information relating to Midwest Energy Inc. Conditional Use Permit 1612. Chairman McDaniel asked the Commission members for any questions to Karen. There were no questions from members of the board.

Chairman McDaniel asked applicant representatives for Midwest Energy Inc. if they would like to speak and/or make a presentation. Mr. Timothy Flax, Vice President of Information Technology and the

authorized agent for Midwest Energy Inc. gave a presentation regarding the details and need for the self-supporting tower. One member from the audience inquired as to how tall the tower would be and the color. Mr. Flax stated the tower would be under the 200' barrier and silver steel in color. A member of the board inquired as to the ownership of the land and if property would be secured with a fence. Mr. Flax replied that Midwest Energy does own this land of approximately one (1) acre. There is a substation at this location now. There will be a secured locked fence. There were no members of the public who signed up wishing to address the commission. Mr. Flax did address the request for a variance in the Development Plan referring to Section 27-104 Item #32. A tower height of 140' meets current zoning regulations; however a variance from this would allow Midwest Energy to place tower height up to maximum of 180'. Legal Counsel stated the Joint Planning Commission could approve this variance for the higher tower height if desired.

Karen presented her findings for the Conditional Use Permit 1612 for Midwest Energy Inc. She stated all the procedures and forms were completed in a timely manner, fees paid and all requirements completed. Karen reminded the board of their determination options. Chairman McDaniel made a final request for any further questions for the applicants.

Motion made by Rob Soneson to Close the Public Hearing and begin deliberations. Motion seconded by John Schulte. Motion carried 6-0. Chairman McDaniel declared the Public Hearing closed at 7:27 p.m. Discussion proceeded among members concerning the CUP 1612 application. The Commission started the completion of the Guidelines and Finding of Fact for the Midwest Energy Inc. Conditional Use Permit 1612. Dick Klaus made a motion to approve the Conditional Use Permit 1612 for Midwest Energy Inc. as presented and to recommend approval to the County Commissioners. Motion seconded by John Schulte. Motion carried 6-0.

Brett Schmidt moved to approve the Development Plan as presented with Option B concerning the variance and to recommend approval to the County Commissioners. Rob Soneson seconded the motion. Motion carried 6-0.

Chairman McDaniel announced the protest period ends September 7, 2016.

Karen reminded all that protest petition forms are in the County Clerk's office. The CUP1612 Midwest Energy Inc. will be placed on the County Commission agenda and they will make the final decision.

Public Hearing 2:

Bryan Church made the motion to Open the Public Hearing 2. Motion seconded by Dick Klaus. Motion carried 6-0. Chairman McDaniel declared the Public Hearing for Conditional Use Permit 1613 Teel/Stenzel open at 7:40 p.m. Chairman McDaniel asked the staff to present the Public Hearing agenda item. Karen Purvis presented the information relating to the Teel/Stenzel Conditional Use Permit 1613. Chairman McDaniel asked the Commission members for any questions to Karen. A board member inquired as to who owner was of the property. Karen replied that currently Glen Teel is the owner, but if CUP1613 is approved Adam Stenzel plans on purchasing the property.

Chairman McDaniel asked applicant representatives for Teel/Stenzel if they would like to speak and/or make a presentation. Mr. Stenzel was not present. Mr. Teel came forward and spoke in favor of the board approving this CUP1613. During the public comment section there were six (6) people who spoke; one (1) in favor of approval with five (5) in favor of denying this request.

Karen presented her findings for the Conditional Use Permit 1613 Teel/Stenzel. She stated all the procedures and forms were completed in a timely manner, fees paid and all requirements completed.

Karen reminded the board of their determination options. Questions were asked by commission members to Karen. Chairman McDaniel made a final request for any further questions for the applicants.

Motion made by Bryan Church to Close the Public Hearing and begin deliberations. Motion seconded by Rob Soneson. Motion carried 6-0. Chairman McDaniel declared the Public Hearing closed at 7:58 p.m. Discussion proceeded among members concerning the CUP 1613 application. The Commission started the completion of the Guidelines and Finding of Fact for the Teel/Stenzel Conditional Use Permit 1613. John Schulte made a motion to disapprove the Conditional Use Permit 1613 for Teel/Stenzel as presented and to recommend denial to the County Commissioners. Motion seconded by Brett Schmidt. Motion carried 6-0.

Old Business: Chairman McDaniel opened the ongoing discussion concerning the possible changes to the County's Zoning and Subdivision Regulations. Dick Klaus made a motion to table this discussion until the next meeting. Brett Schmidt seconded the motion. Motion carried 6-0.

New Business:

Reorganization – Election of Officers

Chairman McDaniel opened the floor for nominations for the Chairman of the Planning and Zoning Commission for the upcoming year. Rob Soneson nominated David McDaniel for the Chairman position. Brett Schmidt seconded the motion. There were no other nominations. Rob Soneson moved the nominations cease and cast a unanimous ballot for David McDaniel for the Chairman position. Brett Schmidt seconded the motion. Motion carried 6-0.

Chairman McDaniel opened the floor for nominations for the Vice-Chairman position of the Planning and Zoning Commission. David McDaniel nominated Brett Schmidt for the Vice-Chairman position. Rob Soneson seconded the motion. There were no other nominations. Dick Klaus moved the nominations cease and cast a unanimous ballot for Brett Schmidt for the Vice-Chairman position. Rob Soneson seconded the motion. Motion carried 6-0.

Chairman McDaniel opened the floor for nominations for Recording Secretary Position of the Planning and Zoning Commission. David McDaniel nominated Lynette Stramel and/or Carla Meier for the Recording Secretary position. Dick Klaus seconded the motion. Motion carried 6-0.

Other Business:

none

Confirmation of next meeting date: The next meeting will be scheduled for September 28, 2016 at Ellis County Administrative Center Commission Chambers, 718 Main Lower Level, Hays, KS at 7:00 p.m.

Adjournment: John Schulte moved the meeting be adjourned. Rob Soneson seconded the motion. Motion carried 6-0. The meeting was adjourned at 8:16 p.m.

Respectively Submitted

Lynette Stramel

Chairman

Date

ELLIS COUNTY
AGENDA ITEM COVER SHEET
COMMISSION AGENDA DATE: September 12, 2016

TOPIC:

Patrol Vehicle Purchase

ACTION REQUESTED:

Approve the purchase of a 2017 Ford F-150 4X4 SuperCrew Cab Pickup from Lewis Ford and authorize the commission Chair to sign the purchase order.

DISCUSSION:

Patrol vehicles are an essential part in performing required duties for the Ellis County Sheriff's Office. These vehicles are constantly used and are driven in adverse conditions. The Sheriff's Office tries to get around 140 to 150+ thousand miles from each patrol vehicle before they are taken out of service. We will be trading in a 2003 Ford Crown Vic. This was a car used by the jail to transport inmates to and from various appointments they needed to be taken to. We will be replacing it with a 2006 pickup with 150,000 + miles that will be taken off the road when the new vehicle comes in.

FINANCIAL IMPACT:

The cost of the 2017 Ford F-150 with trade of \$750.00 for the 2003 Crown Vic is \$29500.00 and can be taken from the Sheriff's Office Fund 16 as it has already been budgeted.

PRESENTED BY:

Sheriff Ed Harbin Ellis County Sheriff's Office

REVIEWED BY COUNTY ADMINISTRATOR:

Yes No N/A

REVIEWED BY COUNTY COUNSELOR:

Yes No N/A

ATTACHMENTS:

Bid sheet with all bids received

785-625-1040
FAX 785-625-1058

ELLIS COUNTY SHERIFF'S OFFICE
LAW ENFORCEMENT CENTER
105 W. 12TH STREET
HAYS, KANSAS 67601

ED HARBIN
SHERIFF

Vehicle Bids for Patrol Vehicles

1. 2017 Ford F-150 XL 4 x 4 SuperCrew Cab Lewis Ford

Price \$29,750.00

Remote Start \$500.00

(Less Trade 2003 Crown Vic \$750.00)

Total \$29,500.00

2. 2017 Ram 1500 4x4 CrewCab

Lewis Chrysler

Price \$31,220.00

(Less Trade 2003 Crown Vic \$750.00)

Total \$30,470.00

3. 2017 GMC Crew 4x4

James Motor Company

Price \$31,550.00

(Less Trade \$1,000 Crown Vic)

Total \$30,550.00

ELLIS COUNTY
AGENDA ITEM COVER SHEET
COMMISSION AGENDA DATE: 9-12-16

TOPIC:

Road Petition Vacation for Randall Lane located in Section 16, Township 14 and Range 18

ACTION REQUESTED:

Appoint three disinterested householders to view the proposed vacation with the Board of County Commissioners and fix a date for the viewing.

DISCUSSION:

State statute (K.S.A. 68-102) provides that “upon petition of any adjacent landowner, the board of county commissioners may lay out, alter or vacate a road.” On September 1, the County Clerk received such a petition. The petition included 13 signatures of residents of the area around the road and an accompanying bond in the amount of \$125.

Once the County Commission receives such a petition, the next step – pursuant to K.S.A. 68-104 – is for the Commissioners to “appoint three disinterested householders of the county as viewers with such commissioners.” The statute also requires the County Clerk to advertise the petition for at least twenty days and to publish for two consecutive weeks in a newspaper of general circulation. Thereafter, the Commissioners and the householders appointed as viewers shall view the road proposed for vacation within 20 days following the second publication.

At this time, staff requests that your Commission appoint three householders as viewers and fix the date for the viewing of Randall Lane. If your Commission is not able to name householders this evening, staff would appreciate further direction regarding the process by which the Commission desires to name such householders.

FINANCIAL IMPACT:

There will be costs for the County due to this petition; the amount cannot be precisely determined at this time, but includes:

- Costs for publication in the newspaper.
- Compensation to householders who serve as viewers in the amount of “usual prevailing wages for such employees, as determined by the board of county commissioners.” (K.S.A. 68-110)
- Expenses for a County Surveyor.
- If the petition is not approved the bond is returned so the County will not receive revenue. Conversely, if the petition is approved statutes provide for the payment of damages to impacted parties.

PRESENTED BY:

Phillip Smith-Hanes, County Administrator
Donna J. Maskus, County Clerk/Election Officer

REVIEWED BY COUNTY ADMINISTRATOR:

Yes No N/A

REVIEWED BY COUNTY ATTORNEY:

Yes No N/A

ATTACHMENTS:

Copy of Petition



ROAD PETITION

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF Ellis COUNTY, KANSAS

The undersigned, householders of said county, and residing in the vicinity of the road described below, respectfully petition your honorable body to cause a view to be had for the vacation of a road in said county, as follows:

Beginning at a point 194.6 feet west and 340.03 feet South of the Northeast corner of the South East 1/4 Section 16, Township 14 South, Range 18W of the 6th P.M., this being the initial point of beginning thence West a distance of 352.19 feet thence South at a right angle a distance of 60 feet thence East at a right angle a distance of 352.19 feet thence North at a right angle a distance of 60 feet the place of beginning.

and terminating at.....
(At least twelve householders, not boarders or lodgers, must sign.)

Table with 3 columns: NAMES, NAMES, NAMES. Contains handwritten names and addresses of petitioners such as Rebecca Herzog, Marina K. Parker, Bryan M. Church, Arthur Herzog, Patricia A. Vogeleiter, etc.

STATE OF KANSAS, Ellis COUNTY, ss.

I, the undersigned, a resident householder of said County and State, of lawful age, do solemnly swear that each and every one of the petitioners whose names are subscribed to the above petition is a resident householder of this county, residing in the vicinity of the road proposed to be viewed, and that said names were each written by the hand of or at the request of said petitioners. So help me God.

Jerry Krammawette Petitioner.

Subscribed and sworn to before me this 1st day of September 19 2016

Donna J. Maden County Clerk.

(NOTE.—This affidavit should be made by the person circulating the petition, and the bond should be signed by him as principal, with two sureties; the sureties may or may not be petitioners. This bond is not enforced unless the petition is rejected, and is to cover expense of advertising, hearing, view and survey. If the road be rejected, the Clerk shall recover the costs and expenses accrued from the signers of the petitioners' bond.)

ROAD PETITIONER'S BOND

STATE OF KANSAS, COUNTY, ss.

Whereas, as principal petitioner, and others, herewith make application to the Board of County Commissioners of said county for view of a road proposed to be as herein described. (Located, vacated, or changed.)

Now, therefore, we, the undersigned, do bind ourselves firmly and by these presents promise to pay to the State of Kansas for the use of said county, the amount of all costs and expenses accruing in case the proceedings had in pursuance of said petition shall not be finally confirmed and established.

Witness our hands this, day of, 19.

The above bond is approved by the Board of County Commissioners, this, day of, 19.

Attest:

County Clerk.

ROAD PETITION

OF

and Others,

of Township.

Filed September 1, 2014

County Clerk.

ORDER OF BOARD

Finding the within petition legal and the proper bond having been filed, it is ordered by the Board of County Commissioners, that the prayer of the petitioners or view be granted; that

and be and are hereby appointed Viewers, and are directed to meet at the point of beginning of said road within described, on the day of

19 make the view, and agree upon their report, which shall be made in writing and delivered to the County Clerk by one of said Viewers on or before the day of 19. The Viewers will also receive applications in writing for damages from the land-owners claiming same, which original applications will be filed with their report of damages allowed.

Survey will be by the County Surveyor, as authorized by law.

Done, 19

Chairman

Attest:

County Clerk.

ELLIS COUNTY
AGENDA ITEM COVER SHEET
COMMISSION AGENDA DATE: 9-12-16

TOPIC:

Jail Staffing

ACTION REQUESTED:

Authorize the immediate recruitment, testing and hire of three Jailers.

DISCUSSION:

In the final budget for 2017, your Commission approved hiring three new positions in the County Jail at a cost of approximately \$146,000. Those positions are not allocated until January 1. Due to recent staffing experience in the Jail, the Sheriff believes it would be in the County's best interest to begin hiring and training those positions sooner than January.

FINANCIAL IMPACT:

For the final six pay periods of the current fiscal year, the cost would be approximately \$32,125. Actual costs are likely to be a bit lower than this because it is unlikely that all three positions could begin at the same time and there may be some overtime savings once the positions are filled. In addition, increased staffing may decrease County liability claims.

Sufficient funding exists within the Administrator Contingency at this time to pay for increased Jail costs in the amount of \$32,125.

PRESENTED BY:

Phillip Smith-Hanes, County Administrator

REVIEWED BY COUNTY ADMINISTRATOR:

Yes No N/A

REVIEWED BY COUNTY COUNSELOR:

Yes No N/A

ATTACHMENTS:

None.