

# 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

+++++

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