

1. The Coffey County Commission Chambers opened at 8:00 a.m., Monday, May 6, 2019. Chairman Don Meats called the meeting to order at 9:00 a.m. with members Tom Hugunin, Fred Rowley, Cody Haddock and Bob Saueressig present. County Clerk Angie Kirchner, County Counselor Wade Bowie, II and Administrative Assistant Donna Berland were present. Coffey County Republican Editor Mark Petterson, Illa Weeks and Coffey County Treasurer Karen Maley were also present.
2. Haddock moved to approve the minutes of Monday, April 29, 2019, as written, seconded by Rowley. Motion carried.
3. **Consent Agenda**
  - A. Move to authorize and direct the Chairman to sign the Coffey County Payroll Notice for Shelby Murray, New Hire, Noxious Weed, S.T.Temp, 2<sup>nd</sup> summer, Laborer, Classification: M-2, wage: \$11.73, effective 5/6/19.
  - B. Move to authorize and direct the Chairman to sign the Coffey County Payroll Notice for Tate Swank, New Hire, Noxious Weed, S.T.Temp, 3<sup>rd</sup> summer, Laborer, Classification: M-3, wage: \$12.10, effective 5/6/19.
- 3a. Hugunin moved to approve the Consent Agenda as submitted, seconded by Meats. Motion carried.
4. Housing Authority Director Ronda Gilbert met with the Board to request to waive landfill fees for two structures one located at 607 N. 1<sup>st</sup>, Burlington, KS owned by Stacie Dowd and one located at 101 James, Waverly, KS owned by Randall and Jayne Thompson.
- 4a. Meats moved to waive the landfill fees for a structure located at 607 N. 1<sup>st</sup>, Burlington, KS owned by Stacie Dowd, seconded by Hugunin. Motion carried.
- 4b. Haddock moved to waive the landfill fees for a structure located at located at 101 James, Waverly, KS owned by Randall and Jayne Thompson, seconded by Hugunin. Motion carried.
5. Emergency Management Director Russel Stukey met with the Board to discuss Pre-Exercise #2 with Wolf Creek, the KDEM at the State and the County on May 15<sup>th</sup>, 2019. KDEM and Wolf Creek wanted to play again and wanted to know if the Board would be interested in allowing the County to play again. Saueressig said the JIC needs practice. Stukey said the State JIC is called the Joint Information Center in Topeka and the PIO's going to BETO are going to be called the Wolf Creek Media Center so there is no confusion on locations. Saueressig said that he is a Commissioner and will play if the state wants to play. Rowley said that the County should practice. Haddock said if one arm of the machine fails, everyone fails. Hugunin said he may not be able to be there. The Board agreed that all employees will participate in the Pre-Exercise Drill #2. Stukey also said a Representative from US Cellular contacted him to replace the radio antenna tower at the courthouse to allow for a new cell site. Stukey said there would be no expense to the County and the current tower is maxed out. The Board agreed that Stukey keep researching.

6. Health Department Administrator Lindsay Payer requested an Executive session for a personnel medical leave request.
7. Saueressig moved to enter into Executive Session for 5 minutes at 9:33 a.m., to include each of the Commissioners, the County Counselor and the Health Department Administrator, to discuss personnel matters of non-elected personnel, regarding personnel medical leave request and that would impact the personal privacy of an employee. To resume the meeting in the Commission Chambers at 9:38 a.m., seconded by Haddock. Motion carried.
8. The Board resumed regular session at 9:38 a.m.
9. Saueressig moved to approve a 30-day leave without pay for Sallee Hess effective today, seconded by Hugunin. Motion carried.
10. County Engineer Wayne Blackburn presented the Weekly Report for May 6, 2019.
11. Item No. 93-01; Road Permits Report: No Road Permits were issued during the past week.
12. Item No. 99-13; Zoning Permit/Applications Report: One (1) Zoning Permit was issued during the past week.
13. Item No. 99-99; Landfill: April Monthly Waste Summary
 

Solid Waste	541.92 tons
Construction Debris	229.75 tons
Special Waste	3.43 tons
Metal	6.41 tons
Tree Limbs	8.18 tons
Appliances	3 items
Total Tires	117 tires
Car Tires	73 tires
Truck Tires	41 tires
Equipment Tires	3 tires
Out of County Processed Tires	57.10 tons
14. Blackburn presented the Construction Zone Report for May 6, 2019.
15. Blackburn said Road and Bridge Supervisor Jeff Beyer was contacted by BNSF Railroad of an accident near Matfield Green with special waste weighing 1,200 tons of coke and sugar, a by-product of coal. Blackburn said that BNSF will be charged \$25 ton for out of county rate to place the waste in the Landfill. Blackburn said the County would approximately receive an estimated \$29,000 for the disposal.
16. Blackburn reported that barricades were set for flood control last week in various sections of the County. Blackburn said there is a possibility for more flooding to the south of the County this next week as the river is full. Blackburn said he is seeing more damage on our roads with all of the rain.

- 17.** Blackbourn said there have been questions surrounding the 52 employees through the Leadership Training and thought that he should discuss the goals of the County Road and Bridge. Blackbourn said with that there are 50 bridges that are over 50 years old. The County has always tried to get state and federal funding to replace bridges. Blackbourn said if we are going to wait for those kinds of funds it may not be feasible. Blackbourn said that 2 are below the 50-sufficiency rating. Blackbourn said that we are going to have to replace structures with deck damage. Blackbourn said when we got the Wolf Creek money we did a good job replacing bridges that are now 20 or 30 years old. Blackbourn wanted to know if the Board wanted to move forward with replacing the bridges at the County's expense. Saueressig said if a bridge needs replaced fix it, Saueressig was not just for going out and replacing bridges just to do it because bridges could last a long time. Hugunin said the ones below the 50-sufficiency rating should be replaced first. Haddock said there should be a projection of data available of the degradation of the bridges. Blackbourn said he will make decisions to replace bridges based on traffic, how it is degrading in time and looking at a target date. Hugunin said as far as budget and expenditures and back to the 52-employee concept, he spoke with Jeff going to the Wolf Creek drill thinking that would be an excellent opportunity so that Jeff could show him how many bridges are out and certain ones that need replaced. Blackbourn said there is a workers' list in an event to perform certain activities during a 24-hour period because the second day the state will take over. Blackbourn said that they try to manage the difference with the summer help. Blackbourn said there are projects like the parking lot and Noxious Weed that are not really jobs for Road and Bridge and wondered if those are things that should be done by Road and Bridge or if it should be done by a private company. Blackbourn said he still has a payroll to meet.
- 18.** The Board moved to the courthouse basement for the hearing on Case No. SU-2019-01.
- 19.** Meats called agenda item No. 5 which is on Case No. SU-2019-01. This is for an application for the establishment of a motocross race track as a special use in the A-1 Agricultural District. Those in attendance were Lila Zscheile, Marv & Sarah Withers, Beth Sloyer, Janice Devena and Stan Devena, Jennifer Anderson, Virginia Robinett and Bill Robinett, Eric Akins, Melanie Turner, Orville Pirraglia, Harold Hess and Bryan Robinett.
- 19a.** Meats asked if any Board members intend to disqualify themselves from discussing and voting on this case because they have conflicts of interests or a particular bias on this matter. We now have a quorum of 5 present for the consideration of the case.
- 19b.** Meats asked if the County Clerk had received any protest petitions. County Clerk Angie Kirchner said yes, she had received three.
- 19c.** Meats asked if the Planning Board received any comments from a city on this case? Zoning Administrator Heidi Harris said no. Meats asked if there are any other communications to consider on this matter other than from our Planning Board? There were other letters and pictures received.
- 19d.** Meats asked the Board members if they have all received copies of the approved Minutes of the Planning Board for March 20, 2019 and unapproved Minutes of the Planning

Board for April 17, 2019 which summarizes the hearing on this case? Meats said having determined that the members have received the required information, Meats to asked the applicant and members of the public present the first of two questions:

- 19e.** Meats said to those who are present on this case, do you feel that you had a fair and impartial hearing? Orville Pirraglia and Melanie Turner said no.
- 19f.** Virginia Robinett living at 1136 Native Road, Burlington, KS next door to Pirraglia and Turner. Robinett submitted pictures of the runoff and the mud that has run on their property. Robinett said if they do continue running this do we have any alternative to stop this. The Board could not answer any questions for the recourse of action.
- 19g.** Orville Pirraglia living at 1358 Native Road Burlington, KS. In the zoning process the notification area is 1,000 feet. If Mr. Fisher was related to someone that was here today. Ethan Rice was setting on the Planning Board and is building a home. They live a mile down the road. Harold Hess owns more land than all of them together and he has a piece of land rented on the other. Pirraglia wasn't sure the measurements were done properly. Bowie said Ethan Rice is a Board member that was building a home in that area. The opportunity to excuse themselves and they did not. Pirraglia said that the Board asked for decibel readings and they didn't want to hear the information. Decibel readings would have been very helpful. Pirraglia would have gathered the Board up and had them come out to see what he is doing instead of 22 people being against him in this room.
- 19h.** Meats asked if the Board had any questions.
- 19i.** Saueressig said that he didn't have any personal problems with the motorcycle racing. Saueressig said they have a Zoning Board that has supposedly done their job. Saueressig said that he is going to stay with the Zoning Board's recommendation. Rowley asked if he had the opportunity to do what he is wanting to do at any other location. Pirraglia said that it is popular because it has a home atmosphere. Pirraglia said they live one mile from Hwy 75. Pirraglia said he can hear dogs barking and everyone mowing their yards. Hugunin asked if sought engineering at all. Pirraglia said that he would have for a couple of camping spots and permanent restrooms. Pirraglia said their track was built by someone that was pro-rider and he builds tracks on the side. Hugunin said that he hasn't seen the pictures. Pirraglia said that no dirt has been moved where there is any runoff. Pirraglia has put all runoff on Harold Hess's land.
- 19j.** Meats said, after the Zoning Administrator's report, he would be asking the second question to the applicant and the public who may wish to speak to this item. Is there any new information on this case not otherwise presented at the hearing that should be brought to the attention of the Board? There was no new information.
- 19k.** Zoning Administrator Heidi Harris explained that an application was filed on February 14<sup>th</sup>, 2019. The Planning Board heard the case that night and a hearing was held on March 20<sup>th</sup>, 2019. The application was only being heard for a motocross racetrack. The Planning Board heard the case, made motion to gather more information for the case and scheduled the next hearing for the new information on April 17, 2019. Harris said on April 17, 2019 the Planning Board heard the new information for the case. The agent clarified and removed the request for the recreational area and campgrounds from the

application; the application was only heard for motocross race tracks. The Planning Board after hearing the new information and answered the findings of facts for the case, made a (5-1) motion as to disapprove the application. A letter was sent out on April 23, 2019 to 17 people that were present from the sign-in sheet to clarify the meeting date of the Commission to be May 6, 2019. In your packet, you will find the minutes from both hearings, correspondence for the case and all other items related/presented to the Planning Board.

- 19l.** The Board then directed questions and comments from the public.
- 19m.** Stan Devena living at 1309 Native Road Burlington, KS, said the things talked about are background noise. Devena said Pirraglia has already had bikes there. Multiply that by competition bikes then it is really amplified. Devena said this is continuous noise. Devena said Eric Akins has an underground house and he can hear it. Devena said he would have to agree he can hear it quite plainly. Devena said they have experienced it and it is quite loud. Devena said the Zoning Administrator takes her baby to them for daycare and said she didn't know anything about the motocross racing. Devena said it is a disruptive noise that goes on non-stop. Pirraglia said they are in a hole below all of the neighbors and if anyone was going to hear it, it would be to the north.
- 19n.** Beth Sloyer living at 1279 Native Road, Burlington, KS said she was not against a race track Sloyer was against it in a zoned area. Sloyer said you will hear that an A-1 District allow special uses for race tracks. Sloyer said Item No. 15 says you have to have a permit. Sloyer said the potential for growth is more of a concern. Pirraglia said it doesn't matter how big it gets, there are only 20 gates, 20 bikes running at one time on the track. Pirraglia said during a few practices he has had 30 bikes at one time on the track but not very often. Pirraglia said he came to the Planning Board to do it the right way by getting the permit. Pirraglia said he could've kept going and not even went to the Planning Board. Pirraglia said he grew up in Texas and then moved here. Pirraglia said he treats this town as good as he did his home town. Pirraglia also said 95% of the people that have come here have driven at least 2 hours and they would leave buying fuel and food here. Pirraglia said has taken approximately 30 people to the Mexican Restaurant on almost every Saturday night. Pirraglia said the funding he would receive would be given to an individual. Pirraglia is trying to promote the sport and teach the safety part of it. Meats thanked him and said the Board has a Planning Board who does all of the discovery. Saueressig had a question if Devena thought that the Zoning Administrator would be biased. Devena said the Zoning Administrator takes her kid every week but she said that she did not know, they are very good friends and that there was a big motocross sign at the drive. They seemed to be known by the planning Board before the citizens as if she had been prepped. Saueressig asked if Harris was biased. The public felt Harris was biased to the applicant. Devena said that a lot of the points seemed to filter over into their argument.
- 19o.** Blackburn 101 Farrow Waverly, KS on defense of Harris, Blackburn said Harris brought it up in the very beginning. Harris is only the Zoning Administrator and the Board had the full authority. Blackburn said she followed the book and there was no bias.

- 19p.** Haddock Commissioner District #4 said he was not biased and he didn't have an issue. Haddock said one of the Planning Board member's is his brother-in Law and he was disqualifying himself so there would be no question in the future.
- 19q.** Hugunin said he didn't see any engineering for flood control or any at all for that matter. Hugunin said it's quite an on taking maybe they put the cart got before the horse a little bit. When you spent all of this money to build the track were you planning this. Hugunin said you really aren't out. Orville said that people come from Iowa and Minnesota. Orville said that if it were commercial he would pay more taxes. Hugunin said the only thing he can't do is going against the Planning Board. Orville said he didn't think there was enough thought or investigation put into this by the Planning Board. Hugunin said that Orville said it's new to everyone in this room and he has tried to educate people.
- 19r.** Meats moved, by a majority vote, to adopt the findings and factors and recommendation of the Planning Board to disapprove Case No. SU-2019-01, seconded by Hugunin. Motion carried.
- 19s.** Rowley said that a race track is a great idea. He appreciated the commitment from both sides. Rowley said he encouraged the applicant to find a place for the racetrack in a different area.
- 19t.** Hugunin said he is all for Economic Development but his decision has to stand with the Planning Board.
- 19u.** Meats said persons aggrieved by the final decision of the Board on this matter have 30 days after today's action within which to appeal to District Court.
- 20.** Meats now called for Agenda Item #6 and returned to the Commission Chambers.
- 21.** Zoning Administrator Heidi Harris asked to feed a meal to the election of officers for the Planning Board. The Board agreed.
- 22.** County Counselor Wade Bowie discussed cameras being installed around the courthouse. Information Technology Director Brad Scheibmeir presented Bowie with a sample policy to review regarding access to the cameras and how the information will be stored.
- 23.** Haddock moved to enter into Executive Session for 15 minutes at 12:34 p.m., to include each of the Commissioners, the County Counselor and the County Engineer, to discuss matters deemed privileged in the attorney-client relationship, regarding matters of potential litigation involving Coffey County. To resume in the commission chambers at 12:49 p.m., seconded by Rowley. Motion carried.
- 24.** The Board resumed regular session at 12:49 p.m.
- 25.** The Board will question and sign warrants and vouchers for the month of May 2019 on Tuesday, May 28, 2019.
- 26.** The Board will question and sign warrants and vouchers for the month of June 2019 on Wednesday, June 26, 2019.

27. The Board will question and sign warrants and vouchers for the month of July 2019 on Monday, July 29, 2019.
28. The Board will question and sign warrants and vouchers for the month of August 2019 on Wednesday, August 28, 2019.
29. The Board will question and sign warrants and vouchers for the month of September 2019 on Thursday, September 26, 2019.
30. The Board will question and sign warrants and vouchers for the month of October 2019 on Monday, October 28, 2019.
31. The Board will question and sign warrants and vouchers for the month of November 2019 on Monday, November 25, 2019.
32. The Board will question and sign warrants and vouchers for the month of December 2019 on Monday, December 30, 2019.
33. Meats adjourned the meeting at 12:54 pm.

### **Correspondence**

1. City of Burlington – Council Meeting Minutes of April 17, 2019
2. City of Gridley – Council Meeting Minutes of January 9, February 13, March 13 and 20, 2019
3. U.S. Senator Jerry Moran – “Kansas Common Sense” Newsletter – April 29, 2019
4. COF Training Services, Inc. – Board Meeting Minutes of March 27, 2019
5. The Kiplinger Letter – April 26, 2019
6. KAC – County Health Rankings in a Changing Kansas – May 3, 2019