

BOARD OF MCPHERSON COUNTY COMMISSIONERS

July 11, 2006

10:00 a.m. REGULAR MEETING

All Present

Two items were added to the Agenda: 1) The cancellation of the July 11, 2006 work session at Public Works, 2) Susan Meng, County Clerk, with three (3) items. Commissioner Patrick made a motion to approve the July 11, 2006 agenda as amended. Commissioner Terry seconded. **All voted aye.**

During Public Input, Mary Jane Lauer, President of the McPherson County Fair Association, extended an invitation for the Commissioners to attend the County Fair which will take place July 13th through July 16th in Canton, Kansas. Commissioners will also participate in the Parade on Saturday, July 15th.

At 10:07 a.m. Chairman Don Schroeder initiated the Public Hearing on proposed Resolution #06-14, which approves a Conditional Use Permit (CUP) to establish a Sub-title D Municipal Waste Landfill in the A-1, Agricultural Zoning District on certain lands located in McPherson County, Kansas, under the authority granted by the Zoning Regulations of the County.

At 10:10 a.m., **Chairman Schroeder**, informed those in attendance that the public hearing portion of the meeting will be recorded, primarily for the purpose of taking detailed minutes.

Chairman Schroeder introduced Conditional Use Permit (CUP) #2006-03, the application for a resolution to approve a Conditional Use Permit to establish a Sub-title D Municipal Solid Waste Landfill in the A-1, Agricultural Zoning District on certain lands located in McPherson County, Kansas, under the authority granted by the Zoning Regulations of the County. The location of the landfill area is at 1481 Pueblo Road, McPherson, KS.

Chairman Schroeder asked members of the Board of Commissioners if they would like to disqualify themselves from voting on the resolution due to a conflict of interest or bias. All members are eligible to vote on a motion. A valid certified protest petition has been received by the McPherson County Clerk, therefore requiring a three-fourths vote, or in this case, with three voting members, a unanimous vote. Chairman Schroeder asked if Angela Krummel, Planning and Zoning Administrator, had received any other communications.

Angela Krummel, Planning and Zoning Administrator, said that she had received no further communications.

Chairman Schroeder asked Commissioners if any had received communications concerning the CUP case.

Commissioner Terry mentioned conversations with Mr. Jay Bremeyer by phone both before and after the application, as well as a letter from Mr. Bremeyer outlining his concerns. He also heard from Vince Rocco, a representative for RWD #6, regarding concerns about water quality issues of the RWD #6 wells.

Chairman Schroeder and Commissioner Patrick have also had phone communications with Mr. Bremeyer, and received the same letter from him.

Chairman Schroeder noted that all Commissioners have unofficial copies of the Planning and Zoning meeting/hearing concerning this case, which include all public comment made at the meeting on June 26, 2006.

Commissioner Patrick mentioned one correction to the Planning Board minutes concerning the counties making up a region of the state. The minutes should be corrected on page 5 by replacing Reno County with Harvey County. Ms. Krummel will make the correction.

Chairman Schroeder asked the applicant, McPherson Area Solid Waste Utility (MASWU), and members of the public who were present at the Planning Board meeting if they felt they had a fair and impartial hearing.

Mary Voigt, 2193 14th Avenue, said that she felt the Planning Board had avoided answering some of their questions.

Chairman Schroeder told her they would discuss that during Public Comment. He asked Ms. Krummel, representing the Planning Board, to introduce the resolution and application.

Ms. Krummel identified the location of the site and reported the application with its conditions did meet all standards of CUP requirements and that the Planning Board's decision to recommend approval of the CUP relies on trust in the State of Kansas to administer strict environmental quality testing and compliance standards for environmental contamination issues such as ground water contamination. Another Public Hearing on this issue will be held by the State in McPherson at a later date.

Ms. Krummel also reviewed current conditions of the CUP, which were revised by the Planning Board (Conditions #6, #11, and #12) dealing with issues related to the height of the landfill, screening and litter control. The State does not regulate screening, thus the Planning Board determined special attention needed to be placed on screening, as this will be a long duration project. The Board will set up a screening committee of four members from the Planning Board to meet with the MASWU to discuss screening issues. With constant technological advances, the Board decided not to put in place a plan now, which may be ineffective in the future. Today's hearing will consider conditions to see if they are adequate. Ms. Krummel has distributed copies of the Resolution (#06-14) to the Commissioners in relation to CUP #2006-03.

Chairman Schroeder asked the applicant if they had any new information to present.

Bill Ridge, General Manager of MASWU, stated that all information had been presented previously at the Planning Board meeting.

Chairman Schroeder opened the Public Comment portion of the hearing, asking if anyone would like to share any new information and asked comments to be limited to five minutes due to time constraints.

Wayne Ford, Mayor of the City of Galva urged Commissioners to vote affirmatively to adopt the resolution. He spoke on the importance of controlling our own costs where the landfill issue is concerned.

Richard Voigt, 2193 14th Avenue, presented Commissioners with a handout outlining his concerns:

- The landfill's adverse impacts on the scenery of the area.
- The landfill is not consistent with his idea of A-1 Agricultural.
- Expense
- The transfer of liability along with trash transportation out of the county.
- The adverse effect of the landfill on property values. Tax abatement for adjacent landowners should be considered.

Ms. Voigt expressed her concern over the elevation cap of the landfill and how difficult it would be to provide sufficiently high screening.

Raelene Meinen, 2030 14th Avenue, spoke as a third generation landowner who lives 0.6 miles from the site. She informed Commissioners she had problems taking them at their word concerning the landfill and its conditions since in the past she had understood the existing landfill would eventually be used up, closed and returned to its original use. She felt this was being forced upon the landowners and that it's difficult to get the word out on the radio and newspapers in McPherson due to the great amount of industry who supports the landfill.

Lee Miller, 2078 14th Ave. stated he owns the majority of the land next to the landfill site and feels the landfill will negatively reflect upon the scenic drive along Highway 81, the corridor between McPherson and Lindsborg.

Bill Goering, Mayor of the City of McPherson, stated he feels it is imperative for McPherson County to have a landfill and the landfill be in a location near the center of the County. He expressed his confidence in the Commissioners that the landfill will not adversely affect the appearance of the area between McPherson and Lindsborg. He mentioned current modern landfills are much different and improved from those of 50 years ago, and that people drive past landfills all the time without even noticing them. He expressed his appreciation to the Commissioners and Planning Board for their efforts and urged them to vote positively, in favor of the landfill.

Sunny Milleson, 2293 15th Avenue, who lives near the landfill site, stated though she agrees that our County needs a landfill, she would rather it not be in her back yard. She and her husband are concerned it will affect their land values and there will be no interest in purchasing their property in the future. They moved to the country to get away from other people's trash, noise, traffic, etc. and feel the landfill would cause these issues to occur near their present home and land. She asked the Commissioners to consider the human side of the issue and vote against the landfill.

Monita Miller, 2078 14th Avenue, who resides within a half mile of the landfill site, shared that she and her husband moved to the country to build a home. She believes the County could sell the land, and easily recap their profits. She would like to see the area re-zoned to residential since so much of McPherson's growth is to the North. She has also spoken to neighbors within a mile to a mile and a half who complain about trash lying around, and the smell of the landfill. She is also concerned about water contamination. Ms. Miller asked Commissioners to consider another location, or provide tax exemptions for adjacent landowners.

Mr. Ridge addressed the comment by Mr. Voigt concerning transferring our liability for our trash when it is transported out of the County. He clarified the point that liability is not transferred, but rather the County's liability follows the trash. He mentioned trash is a part of a thriving community and since we are uncertain of the future technological advances; a landfill is currently the most economical and environmentally sound way to handle our trash if it is done properly.

Commissioner Terry raised a question concerning the elevation of the current and proposed landfill and confirmed the cap height at 1500 feet.

Mr. Ridge noted they would try to retain the cosmetics of the area as much as possible.

Brenda Miller-Woodard, 1301 N. Glen, who owns land just West of the landfill stated, she and many others near the site were shocked to hear the news of the landfill plan. She said she would have purchased the land if she had known it was up for sale. She questioned the purchase by the County had been conducted "behind closed doors." She also addressed the concern of water quality, and urged Commissioners to select a different site.

Chairman Schroeder informed Ms. Miller Woodard that the land was purchased at a public auction.

Mr. Voigt stated he attended the auction and if the land had been auctioned in smaller sections, he would have bid on the purchase himself. He also mentioned the County could control the re-zoning of the land so no one would choose to purchase it.

Commissioner Terry clarified questions raised about the auction and purchase:

- The seller determined how to divide/sell his land.
- The land is not being rezoned. It is still zoned for agriculture with a conditional use permit application.
- It was announced at the auction that the County had an interest in the land for landfill purposes.

Donna Vincent, 1911 17th Avenue, asked about other sites, which were being considered previously.

Chairman Schroeder noted those sites were discussed at the Planning Board meeting and are described in the minutes of the meeting.

Mr. Ridge reviewed other possible sites within the county and the many factors, which went into consideration of the selection of the site. The site requires good access, sufficient clay, central location, etc.

Ms. Miller asked Commissioners what guarantee the residents will have that the conditions will be followed considering that Zoning Board members and Commissioners will change over the years.

Mr. Voigt asked Commissioners to consider the lost opportunity for an increased tax base, with the area losing out on new home construction.

Ms. Voigt expressed concern over the landfill's distance from the highway and would like to restrict it to no closer than 500 feet.

Ms. Krummel noted the plat will not be presented prior to the CUP approval or disapproval due to other issues, but the plan with the consensus of the Planning Board would include eliminating the 3 cells nearest Highway 81 which should provide a better buffer.

Ms. Miller stated since people and things change, conditions concerning height and screening could possibly change as well. She asked how they could be certain that other Counties would not bring in their trash in the future.

Ms. Krummel agreed changes occur, but the application allows, as in CUP Condition #8 (modifications), for the public to speak on altering conditions related to changes.

Chairman Schroeder stated though changes in elected officials do occur, elected officials are representative of the overall ideology of the people that live in the area and decisions will be based on the representation of the people.

Ms. Miller asked why the issue, since it is so major, can it not be placed on a ballot, as many people are unaware of it.

Chairman Schroeder stated that it is a Conditional Use Permit issue.

Ms. Krummel explained the State has determined this is the process to handle this type of an issue.

Chairman Schroeder stated the County has tried to get information out to the public by newspaper and radio. Throughout the past two years, there has been information available but its up to individuals to take the initiative to read, and learn about the issue.

Ms. Krummel explained the reason these cases are kept at a local level is to provide for a concentration of comments by those most greatly affected in the area, thus Planning Board cases, if put to a county vote, would most likely be approved because there would be more people unaffected by the CUP than those affected. A public vote would benefit applicants more than the opposition.

Ms. Miller mentioned that many trucks traveling to and from the landfill leave nails on the road and they should be required to be covered.

Commissioner Terry explained there is already a State law requiring all vehicles hauling to be secured in some way. The issue is one of enforcement.

Ms. Krummel stated that unfortunately complaints associated with the C&D landfill are not part of this case.

Commissioner Terry said trucks losing trash while traveling in and out of the landfill have been an issue discussed by MASWU in the past. The law is there, as is the law on illegal dumping, but they are law enforcement issues.

Ms. Meinen stated she takes exception to the idea that the word has been out on the landfill plan. She has only recently within the past six months learned of the issue, even though she listens to the radio and reads the paper. She did not receive written notice since she lives further than one half mile from the site. It is such a large issue, that she has been going door to door to inform neighbors.

Commissioner Terry stated that when the County decided to purchase the land, it was all recorded in the minutes which are kept in the courthouse, on the county website, in the news media, etc. All information from the purchase took place in open meeting. The County followed procedures in providing written notice to land owners up to one half mile from the land.

Ms. Krummel stated by Kansas Statute, the County is only required to notify land owners up to 1,000 feet, but McPherson County goes beyond, over 2.5 times the area of required notification to 2640 feet or one half mile. She also has a stack of articles in her office dealing with the landfill issues. Much of public comment has come from those outside the required notification area.

Chairman Schroeder closed the public comment portion of the hearing and asked for additional comments from the Commissioners.

Commissioner Patrick asked for clarification from Mr. Ridge concerning the involvement of the Kansas Department of Health and Environment (KDHE) in the control of the conditions of the landfill CUP.

Mr. Ridge affirmed the role of the KDHE in approval and monitoring of the landfill issues.

Commissioner Terry spoke on the facts of the landfill issue. He noted how transfer is, and will remain more costly than in the past. The Planning Board and Commissioners have visited with the KDHE before making the landfill site decision. Many economic issues are involved. The County is responsible for providing the landfill. The City is responsible for the pick-up portion of trash disposal. He mentioned that the MASWU is a very professional organization, formed in 1991, and covers all of McPherson County. McPherson County generates nearly 85 tons of household trash per day not including composting and recycling.

Commissioner Terry discussed the impact of the landfill on residents and concerns over increased traffic, visibility/aesthetic issues related to the scenic drive between Lindsborg and McPherson, property values, water contamination, trash along roadways, dust, smell, and noise from trucks during transfer time.

Commissioner Terry stated that we should be responsible for our own trash and reviewed his reasons for looking favorably on the landfill site:

- Cost factor - transfer costs will eventually increase for everyone in our County.
- Total control of our solid waste.
- Soil, water, roads, size, setback - all make this site a proper location for the landfill.
- KDHE requirements have been met.
- Monitoring shows no new pollution in water.
- Plan/Permit approved by the Planning & Zoning Board.
- The Plan fits into the Comprehensive and Strategic Plans for the County.

Chairman Schroeder added that this is an area that could be viable for 200 years or more and he hopes that in 50 to 100 years technology will provide a better method of caring for our disposable trash. If so, cells will not be near the highway. Until then it is our responsibility to take care of our trash.

Commissioner Patrick stated that he worked on a four county committee to examine other options for trash including incineration. He wishes we did not have so much trash but many products are well packaged. No matter what, we are responsible for our own trash and it is going to have to end up in

somebody's back yard. That cannot be avoided. He also mentioned driving around Saline County and not noticing current and former landfill areas.

Mr. Voigt asked why we could not use incineration of our trash.

Chairman Schroeder responded by explaining how investigations show that air emissions are a large problem with incinerations. Also, 30 to 40% of trash is leftover after incineration, which would need to be put into a landfill. The cost of maintenance of a facility is also very high.

Commissioner Terry had previously asked Bill Ridge about incineration for McPherson County. The idea was investigated.

Chairman Schroeder said they had looked into using incineration and utilizing it as an electrical energy source as well, but we do not generate enough trash for that process.

Mr. Voigt asked if it would be worth the added expense.

Commissioner Terry responded that incineration is not an option and not the issue.

Chairman Schroeder discussed the options the Commissioners may take on the CUP application and resolution:

- Approval of resolution by unanimous vote.
- Adoption of finding by majority vote but no acceptance of resolution.
- Override Planning and Zoning Board recommendation by majority vote (and attach additional conditions if necessary).
- Return to Planning & Zoning Board for further consideration by majority vote.
- Table the issue and reschedule for a later date.

Commissioner Terry stated he feels the landfill is important and will benefit the County as a whole. Commissioner Terry made a motion to adopt Resolution #06-14 as presented and recommended by the Planning Board.

Commissioner Patrick added we need to take care of our own trash and does not feel there is any other option right now than to accept the recommendation. He understands the feelings and concerns of the landowners and hopes they will monitor the process, and will contact him at any time if they feel anything goes wrong with the system. Commissioner Patrick seconded.

Chairman Schroeder voted aye. Commissioner Patrick voted aye. Commissioner Terry voted aye.

If anyone feels aggrieved by this decision, there will be a 30-day period following the publication of Resolution #06-14 to appeal to the District Court.

At 11:48 a.m. Fern Hess, Director McPherson County Health Department, joined the meeting to request approval to write off the McPherson County Health Department Bad Debt List totaling \$1,302.98 for the quarter ending June 30, 2006. Individual debts ranged from \$2.50 to \$139.50, with the highest debts reflected in the areas of immunizations and family planning services. Commissioner Patrick made a motion to approve the request as presented. Commissioner Terry seconded. **All voted aye.**

At 11:55 a.m., Dillard Webster, Director of Emergency Management, joined the meeting to request approval of a Personnel Change Notice (PCN) to hire Jamie Morrison as a Communications Tech (12A), to fill a vacancy, effective July 24, 2006. Commissioner Terry made a motion to approve and the PCN as presented. Commissioner Patrick seconded. **All voted aye.**

At 11:58 a.m., Dick Beasley, Director of HMCCC, joined the meeting with two (2) items:

- A. A request to approve a PCN to hire Anthony Gonzales as a Secretary/House Arrest Monitor, to fill a vacancy, effective July 18, 2006. Commissioner Terry made a motion to approve the PCN as presented. Commissioner Patrick seconded. **All voted aye.**

- B. A request to approve and sign the Agreement on Conditions of a Grant from the Kansas Juvenile Justice Authority SFY2007. Grant conditions remain effective until June 30, 2007. Commissioner Terry made a motion to approve and sign the agreement as presented. Commissioner Patrick seconded. **All voted aye.**

At 12:00 p.m., Susan Meng, County Clerk, joined the meeting with three items:

- A. A request to approve a PCN to hire Vera Schra as a Temporary Clerk, effective July 12, 2006 through July 31, 2006. Commissioner Patrick made a motion to approve the PCN as presented. Commissioner Terry seconded. **All voted aye.**
- B. A request for approval to purchase 39 used portable voting booths from Sumner County, at a cost of \$1,755.00, and 23 new additional portable booths from Election Data Direct, Inc., at a cost of \$1,955.00, to replace outdated and damaged canvas curtain booths. Additional shipping costs will be added to the total cost. Commissioner Terry made a motion to approve the purchase in an amount not to exceed \$3,710 plus shipping charges. Commissioner Patrick seconded. **All voted aye.** Funding will be provided through the County Clerk & Election budget.
- C. An update on the procedure for delivery of voting machines to polling sites for the upcoming August Primary Election. Public Works employees will provide delivery and pick-up of equipment throughout the County before and after the election.

Commissioner Terry made a motion to approve the minutes from July 5, 2006 as corrected. Commissioner Patrick seconded. **All voted aye.**

Commissioner Patrick made a motion to approve Checks and Claims for July 11, 2006. Commissioner Terry seconded. **All voted aye.**

Commissioner Terry made a motion to approve the Adds and Abates for July 7, 2006. Commissioner Patrick seconded. **All voted aye.**

Rick Witte, County Administrator, presented for review and signature, the Home Grant Progress Report for the quarter ending June 30, 2006. An amount of \$30,996.29 was disbursed this quarter for providing housing rehabilitation through the Kansas Housing Resources Corporation HOME Investment Partnerships Program. Commissioner Terry made a motion to sign the Report as presented. Commissioner Patrick seconded. **All voted aye.**

At 12:40 a.m. Commissioner Patrick made a motion to adjourn. Commissioner Terry seconded. **All voted aye.**

Commission Minutes taken by Abbey A. Heidebrecht

Don L. Schroeder, Chairman

Duane J. Patrick, Vice-Chairman

Harris G. Terry, Commissioner

Attest: County Clerk
Susan R. Meng