

UNOFFICIAL MINUTES OF THE JEFFERSON COUNTY BOARD OF COMMISSIONERS

**Disclaimer-This document represents the "unofficial" minutes of the Jefferson County Board of Commissioners. At this point, it is a working document and does not become official until the Board approves the minutes at a subsequent meeting. It is to be used for informational purposes only.*

The Jefferson County Board of Commissioners met in regular session on June 28, 2021. Present were Commissioners Richard Malm, David Christy and Lynn Luck. County Clerk Linda Buttron and County Counselor Josh Ney were also present. Lynn moved that the minutes of June 21 be approved as presented. David seconded. All voted in favor of the motion.

Community Development Director Kelly Woodward requested approval for remodeling the customer service area of the department. She showed pictures of the area as it exists today and described the requested updates. The total for the updates will be no more than \$20,000. She proposed payment of the request from Equipment Reserve and Capital Improvement funds or as an alternative it could be considered a project for ARPA funds. The Board will view her office before deciding.

Ben Domann, Public works Director met with the Board. Ben reported that the damage caused by a contractor on West Lake Road has been repaired. Most of the Road and Bridge staff are working on repairing damage from rainstorms. Crews are also prepping for chip and seal work. Ben is working on obtaining proposals for the rehabilitation of the courthouse bathrooms and plumbing. The work could possibly be an ARPA project.

Treasurer Lisa Buerman requested that the Board publish for sale and set the minimum bid for Lot 12 Block G Westshore Estates and Lots 501-502 & 503 in Lakewood Hills. Richard moved that the lots be advertised for sale and the minimum bid be set at \$300 per lot. David seconded. All voted in favor of the motion. Richard opened sealed bids received on lots. James Kaberline bid \$301 for Lots 460 Lakewood Hills. David and Dawn Thomas bid \$415 for Lot 403 Lakewood Hills. Richard moved that the bids be accepted as presented. David seconded. All voted in favor of the motion.

Health Department Administrator Crystal VanHoutan updated the Board on COVID. Jefferson County has had 1,761 cases. We have had 75 people hospitalized. Our percent positivity for the weeks of 6/13 & 6/20 is 0.78%.

Richard moved that the Board recess into executive session for 10 minutes to discuss matters of attorney client privilege with regard to pending litigation with Ben Domann present (as part of the collective client) until 1:33 p.m. David seconded. All voted in favor of the motion. The Board recessed at 1:23 p.m. Present during the session were Josh, Ben and the Board. The Board reconvened at 1:33 p.m. The chair announced that no binding action was taken during executive session.

At 1:30 p.m. Zoning case DP2021-01 was removed from the table for discussion. Gary Starr and his attorney were present for the discussion as well as other interested parties. Kelly reviewed the case. In a letter dated June 24, 2021, Mr. Starr has offered a maximum of 120 days of General Admission Events during each calendar year. He also asked that a cancelled day not count as a day of use under the 120 days. Josh addressed the legal impact regarding putting a condition on the plan with regard to discharge of fireworks. Richard asked Mr. Starr about how many times a year they shoot off fireworks. He indicated it was 6-7 times a year. Josh asked Attorney Timothy Resner to acknowledge that the applicant voluntarily agreed to an amendment of limitations that do not currently exist. Mr. Resner and applicant verbally acknowledged that applicant was waiving any claim to challenge or appeal conditional use permit process and that applicant voluntarily agreed to the additional conditions approved by the Board.

David moved that after due consideration, the application for DP2021-01, an amended Development Plan for CU2002-01, be approved with the following conditions:

1. It is understood that the improvements related to this existing Conditional Use may proceed to be developed in phases yet undetermined, as shown on the Development Plan, subject to all other conditions of approval.
2. The applicant shall successfully obtain all applicable Federal, State and Local permits, including Health Department permits, for all activities, buildings, structures, and development within the Special Flood Hazard Areas, and occupancy/use of buildings, structures and development shall only commence upon approval of a final post-construction inspection and

issuance of a certificate of occupancy. Specifically, all water and wastewater systems at this location shall be approved by KDHE.

3. To ensure compatibility with the rural context, any future outdoor electrical lighting for this use shall be minimized to the scale, location, and duration of use strictly necessary to ensure public safety, with a customary intensity of illumination for rural areas, and meeting the following requirements:
 - a. Mounting height not to exceed 25'
 - b. Designed and located to prohibit direct light or glare onto any adjacent property and to minimize up lighting.
4. All parking associated with this use shall be accommodated on-site, and parking will be managed so that the designated parking areas are maintained in continuous vegetated cover and shall not contribute to increased runoff, provided, however, that this condition shall not apply to any portion of the parking area while it is utilized for crop production and for a reasonable time thereafter to return the area to vegetated cover.
5. To further low impact development, stormwater management and erosion control benefits, the applicant shall retain and prevent damage to or replace/improve the existing tree cover as shown on the Development Plan.
6. To mitigate potential noise impacts, any sources of amplified sound shall be buffered and directed away from adjacent parcels. In particular, an enclosure consisting of a solid fence or wall at least 6' tall will be constructed and maintained within 25' feet of the apple cannon structure.
7. Fireworks shall not be used past 9:30 pm.
8. The permit holder shall provide dust control measures for designated County roads as approved by the Jefferson County Public Works Department using materials approved by the Jefferson County Public Works Department. Said dust control shall be applied beginning at the eastern edge of the bridge on 17th Street and heading west to the corner of 17th Street and Decatur Road and following Decatur Road north until the southern boundary of the railroad easement. Said dust controls shall be applied one time per calendar year and then thereafter as needed as directed by Jefferson County Public Works at the expense of the permit holder. The permit holder will contact Jefferson County Public Works Department on or about May 1st to get direction on when application should be made.
9. Operating hours shall be no earlier than 8 am on weekdays and 10 am on Saturdays and Sundays. And operating hours shall be no later than 10 pm on any day of the week.

10. Two new General Admission Events will be permitted; a Christmas event between the Friday after Thanksgiving and December 31st, with hours of 4 pm to 10 pm, and an Easter event that will take place over two weekends, including two out of three weekends around Easter.
11. There shall be a maximum of 120 days of General Admission Events during each calendar year. "General Admission Event" means an event for which ticketed admission is offered for sale to the general public. The term General Admission Event shall not include a private event. In the event a General Admission Event Day is cancelled due to weather, the cancelled day shall not be counted against the number of General Admission Event days.
12. The applicant shall have the water tested once per year and shall submit the results to the County Health Department.

Lynn seconded. Discussion was held. Kelly asked for clarification that the development plan for CUP 2002-01 would be amended by this action. She also suggested that Condition 11 be taken off and substituted with the three bullet points in the letter from Frieden and Forbes. Those three bullet points being as follows: 1) There shall be a maximum of 120 days of General Admission Events during each calendar year. 2) "General Admission Event" means an event for which ticketed admission is offered for sale to the general public. The term General Admission Event shall not include a private event. 3) In the event a General Admission Event day is cancelled due to weather, the cancelled day shall not be counted against the number of General Admission Event days. The final document will be approved at the next meeting on July 12. All voted in favor of the motion.

David moved that the Board recess into executive session to discuss matters of attorney client privilege with regard to possible litigation until 2:05 p.m. with Kelly Woodward present as part of the collective client. Lynn seconded. All voted in favor of the motion. The Board recessed at 2:01 p.m. Present during the session were Kelly, Josh and the Board. The Board reconvened at 2:05 p.m. The chair announced that no binding action was taken during executive session.

There will be no meeting next week due to the July 4th holiday. The Board will meet in regular session on July 12, 2021.