

COMMISSIONERS' PROCEEDINGS
DECEMBER 9, 2024

Agenda: 8:30 – Bills
8:45 – Flora Foods – Agreement Discussion
9:00 – Theresa & Lisa with Lewis Hooper & Dick
9:15 – Jayme Rich – Treasurer
9:30 – Tony Martin – Public Works
9:45 –
10:00 – Solid Waste - pit bids
10:30 – Solar Farms (Travertine) – Agreements

The Board of Stevens County Commissioners met in a regular session with Shannon Crawford as the replacement for Pat Hall (commissioner district 2). Paul Kitzke, County Attorney and Amy Jo Tharp, County Clerk, were also present. Tron called the meeting to order. Joe moved to approve minutes from the last meeting. Shannon seconded. Motion carried. Joe moved to approve the county vouchers. Shannon seconded. Motion carried. The County Clerk was instructed to draw warrants on the Treasurer chargeable to the various funds of the county for the following amounts:

General	\$	116,611.49
Co. Building	\$	6,851.11
Judicial District	\$	1,223.03
Road & Bridge	\$	56,356.28
Airport	\$	5,082.97
Clerk Tech Fund	\$	588.04
911 Wireless	\$	-
Noxious Weed	\$	4,656.93
EMS	\$	7,054.06
Fire	\$	8,088.30
Community Health	\$	13,581.53
GIS Equipment	\$	2,179.01
Diversion	\$	-
<u>Sheriff</u>	\$	<u>51,813.47</u>
TOTAL:	\$	274,086.22

Mike Shelton came in and requested assistance from the county for utilities in 2025. Also, he expressed he would like to see the courts inform people of their services for those who need help. The commissioners agreed to help with AA's utilities for 2025 and told Mike to speak with Paul about suggesting the judicial system inform those who need help of their services.

Rodney Kelling was present and checking in. There was nothing new from the commissioners or Rodney currently.

Theresa Dasenbrock and Lisa Axman with Lewis, Hooper & Dick introduced themselves and said they will be in the county on December 11th, for pre-audit work. Theresa told the commissioners she has begun her retirement phase and 2026 will be her last year.

Paul Kitzke stated the agreement with Flora Foods came back to him and they want to waive the nuisance and restrictions of building expansion. The company will still have to abide by the government restrictions on nuisance and others, so he is unsure why they want the county's restrictions lifted. Paul commented he is not sure the commissioners should agree to waive everything they are requesting since they are allowed to produce food. Paul would like to see documentation on how they plan to use the property. The commissioners agree with Paul on the subject.

Amy informed the commissioners; a Federal Court ruled that the Department of Labor overstepped its authority under the FLSA to increase the earnings threshold for salary exempt employees, and the rule was vacated; therefore, the three (3) Stevens County employees who were going to have to transition to an hourly wage earner will remain as salaried.

Amy told the commissioners the county received an IRS penalty of \$172.80 due to some incorrect information on a W-9 form from a previous contractor in 2021 (who is now currently an employee). This employee did not complete the requested information for the clerk's office by the deadline which brings the penalty charge. If the employee completes the requested form at any time, the IRS will reimburse the county.

Amy asked the commissioners if they want to allow all departments to close at noon on Christmas Eve or if each department needs to go by their respective half (1/2) day. The commissioners agreed half (1/2) day per department hours.

Amy asked the commissioners if they are going to discuss a cost of living adjustment for 2025. Tron commented that social security is giving a two-point-six percent (2.6%) increase. The commissioners will discuss COLAs for 2025 at the next meeting.

Amy said Joe asked if it would be better to hold commissioner meetings on Tuesdays or leave them on Mondays. The commissioners discussed the change and decided the meetings should stay on Monday.

Amy presented the commissioners with updated MOUs for the community health department and hospital. These MOUs have been updated to change the names of the previous department heads to the current ones. The arrangements will remain the same regarding emergency situations that give the hospital and community health department the right to have access to the memorial hall in the event of an emergency. The commissioners signed off on the updated MOUs and Amy informed them she will get signatures from the hospital and community health department heads.

Amy presented the commissioners with the Kansas Department of Health's current report of the water pollution control permits for agriculture to be reviewed.

Amy asked if the commissioners wanted to re-open the discussion about neighborhood revitalization (NRV). Previously they chose not to renew due to the drop in valuation. Jan Leonard approached her about a new contractor group interested in the Pioneer Lots and told them the NRV program would be very beneficial to this group. The commissioners replied they would like to visit with the contractor group first before they decide to renew the NRV for Stevens County.

Jayme Rich came in and updated the commissioners on the bank situation, stating this year in interest, the county has brought in \$958,000.00 which is \$35,000.00 more than previous years due to looking at the interest between two (2) banks in Stevens County. Jayme also stated the state bank fund does not always give more money in interest than the county banks but sometimes they do. Jayme told the commissioners the treasurer's office will be closed on December 26th and 27th this year to allow her staff to have time at home with family over the holidays, understanding they will have to take accrued time for these days. State statute requires a \$5 daily fee when an elected official closes their office outside normal commissioner approved closures, so Jayme presented Amy \$10.00 in cash to deposit into the county's general fund for the two (2) additional days her office will be closed. The commissioners asked about tax sale funds and where those go. Jayme said the money goes to the district court to pay newspapers, attorney fees, etc. Whatever is left, the district court will write a check to the county and those monies will go into the county general fund account.

Colby Wade, Page Bolin, Krista Tortorice and Michael Hudson with Travertine were in attendance.

Tony Martin came in and handed the commissioners a crossing permit to be signed. He presented the commissioners with the waste management plan which is due December 15th for the year 2025 and suggested the commissioners adopt the resolution for this plan.

Joe made a motion to adopt ***Resolution 24-04, Waste Management Plan for 2025.*** Shannon seconded. Motion carried.

Tony mentioned the mailbox at the landfill was torn up and is currently being repaired and most of the road and bridge employees took a defensive driving course which will help the county's insurance costs. Tony commented the KAC was good this year and very informative and helpful.

Tony handed the bids for the landfill development to the commissioners and said the consultant, Tony would not be coming in for bids as they all met the specs and are comparative. The bids will be opened at 10:00 AM by the commissioners.

Glenn Kerbs and Darin Heger are expected to be in attendance for the discussion over the Travertine conditional use permits.

Tony reported the noxious weed inspection came out good and mentioned just a couple issues. There are some chemicals in the shed which were outdated, and a citizen whose chemical license expired was still purchasing products which shouldn't have been. The county has ten (10) days to comply and KCAMP will be coming down to do a county inspection soon to make sure everything is up to code.

Joe asked how the tire recycling was going, noting the amount the county received compared to the amount of money the county spent on this. Tony mentioned it was a \$30,000 difference, as the county received \$50,000.00 to take tires but had to pay out \$80,000.00 for the recycling company. Tony also stated the charge for taking tires is decent and would hate to up the charge and find tires in ditches and fields.

Tony explained to the commissioners he is looking for a mechanic to replace Wes when he retires at the end of this year.

Joe said he would like to have comp packets made up for each employee.

Sheriff Ted Heaton, TJ Steers and Cuyler Miller stopped in. Ted was just checking in. The commissioners asked how his staff is doing, and Ted said he is running with six (6) deputies and plans to stay with that number.

Shannon asked Tony if the county used to dig their own pits for the landfill. Tony told him they did, but the county has been waiting for four (4) years for KDHE to give the approval and now they are out of time and will have to have this project contracted out.

There were three (3) bids received by the deadline of November 27th for the landfill pit project.

1. Stoppel Dirt LLC	\$ 909,519.49 – No completion date listed
2. MJE, LLC	\$1,042,505.70 – projected completion date June 2025
3. Sporer Land Development	\$1,142,177.38 - projected completion date March 2025

Joe made a motion to approve the bid from Stoppel Dirt LLC in the amount of \$909,519.49 and to be paid out of the landfill closure fund. Shannon seconded. Motion carried.

Glenn Kerbs requested an executive session over contract negotiations for ten (10) minutes, including Stacey Wood, Tony Martin and Paul Kitzke in the meeting. Joe made a motion for a ten (10) minute executive session over contract negotiations. Shannon seconded. The executive session began at 10:25 AM and concluded at 10:35 AM. Another motion by Joe was made to reconvene at 10:35 AM for fifteen (15) minutes for the executive session over contract negotiations. The executive session ended at 10:50 AM. Motion was made by Joe to go back into executive session at 10:50 AM for ten (10) minutes over contract negotiations. Executive session ended at 11:00 AM. No action taken.

Darin Heger told the commissioners the planning and zoning board unanimously approved the Travertine Solar conditional use permits, along with the decommissioning and county contribution agreements.

Page with Travertine Solar expressed their appreciation of the county's work to move forward with solar farms. She would like to have more time to work on the road use/maintenance agreement to make sure it's beneficial for the solar farms as well as for the county.

Glenn Kerbs presented the commissioners with ***Resolution 24-05 Conditional Use Permit Plan for Travertine Solar***. He said the zoning board considered the conditional use permit on November 20th and unanimously approved for the application to be granted. He stated there were three (3) main conditions in the plan:

1. Travertine will conform with all performance standards required by the county's planning/zoning regulations code, and all applicable federal and state laws and regulations.
2. Construction of the project shall be in accordance with the approved development plan.
3. Timeline of phases for construction and all the agreements required by Stevens County planning will be in place before construction begins.

Glenn informed the commissioners the fourteen (14) day protest period has gone by, and the county clerk has not received any protest from the public.

Shannon made a motion to accept ***Resolution 24-05 Conditional Use Permit for Travertine Solar***. Joe seconded; Tron abstained. Motion carried.

The conditional use permit includes agreements which will have Travertine Solar contribute to the county annually for ten (10) years beginning when the project goes into operation. This also includes the idea that after eleven (11) to twenty (20) years, depending on tax, Travertine agrees to pay the difference in the county taxes and the payment in lieu of taxes (PILOT) agreement.

Joe made a motion to approve the conditional use permit from Travertine Solar as presented for the county. Shannon seconded; Tron abstained. Motion carried.

Shannon made a motion to approve the USD 210 agreement which is also subject to approval by USD 210 which would be the same payment arrangement with different amounts. Joe seconded; Tron abstained. Motion carried.

Glenn said the decommissioning agreement for Travertine Solar is a twelve (12) month period which triggers the decommissioning of solar farms. From the date the project begins, Travertine must set aside funding to pay for the removal of the solar farms. Page stated if the solar farms fail, they will be responsible for the removal of the solar farm and repair of the grounds used.

Joe made a motion to approve the decommissioning agreement with Travertine Solar as provided. Shannon seconded; Tron abstained. Motion carried.

Glenn told the commissioners he is working on the road use and maintenance agreement and would like to meet again when it gets completed.

Amy told the commissioners they need to get people appointed to the hospital board before the end of this year to replace Shannon Crawford, Benny Cabrera and Seth Gillespie. The commissioners discussed the possible candidates for hospital board: Colleen Musgrove, Yvonne Jackson, and Susan Smith. The commissioners

stated they knew Colleen and Yvonne but did not know Susan. They will look over Susan's resume and discuss it at the next meeting.

Shannon made a motion to appoint Colleen Musgrove to replace Shannon Crawford on the Hospital Board. Joe seconded. Motion carried.

Shannon made a motion to appoint Yvonne Jackson to the hospital board to replace Benny Cabrera. Joe seconded. Motion carried.

Joe said he read over what the KNRC is discussing, and he stated there is a national interest in a transportation corridor. This corridor is five (5) miles wide and gives the federal government the ability to have imminent domain. Joe relayed he hopes this gets derailed as the line comes south of Dodge City and takes up half (1/2) of Stevens County on down into the panhandle.

Abatement Order for tax year 2024 and tax number 18 was reviewed and approved by the commissioners and given to the County Treasurer; total valuation removed 1,602 with a relief assessment of \$259.55

Attest: Amy Jo Tharp, County Clerk

Tron Stegman, Chairman