

**Wabaunsee County Commission**  
**Wabaunsee County Courthouse, Alma, KS**  
**Regular Meeting Minutes May 03, 2021**

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The Board of County Commissioners meeting in session Monday, May 03, 2021. In compliance with the CDC guidelines to maintain social distancing Commissioners conduct and record the meeting over ZOOM. Members attending were Joel S. Fager and Rodney L. Allen. Nancy L. Hier was absent. Chairman Fager called the meeting to order at 9:00 a.m. and opened with the Pledge of Allegiance. County Clerk Abby Amick, Road & Bridge Supervisor Thayne Bush, Richard Orton and Steve Eshelman were in attendance in person, others joined via zoom.

**Road & Bridge Update**

Road & Bridge Supervisor Thayne Bush reported that the lease on the skid loader is up for renewal, the cost of the lease has increased considerably, Bush is recommending taking the buyout of the current skid loader rather than engaging in another lease. Comparable leases range from \$8,500 to \$10,000 per year.

Commissioner Allen moved to approve the buyout of the skid loader for \$56,236.54; Commissioner Fager seconded. Motion carried 2-0.

Commissioner Fager moved to approve the minutes of the April 26<sup>th</sup> Commission Meeting; Commissioner Allen seconded. Motion carried 2-0.

Commissioner Fager moved to adopt Resolution 2021-18, a resolution cancelling certain checks or warrants of Wabaunsee County, pursuant to the provisions of K.S.A. 10-815; Commissioner Allen seconded. Motion carried 2-0.

9:13 am Commissioner Fager announced a 10 minute break.

9:19 am Commissioner Fager reconvened the meeting.

**Health Department and Covid Update**

Health Administrator Ray Finley joined in person. Finley reported on the Covid numbers for the County: 3 active cases, 14 deaths and 0 in the hospital. Vaccination Clinics are being scheduled at sites around the county. May 26<sup>th</sup> will be in Maple Hill (morning) and Paxico (afternoon), May 13<sup>th</sup> will be a J&J Clinic, June 9<sup>th</sup> will be in Harveyville (morning) and Eskridge (afternoon). If anyone is needing an evening appointment, contact the Health Department. The Health Department will be focusing their vaccinations on Tuesdays and Thursdays to group up the use of the vials. The Health Department is open until 6pm on Monday, Tuesday and Wednesday regularly and will stay open until 8pm for appointments on Tuesdays. Finley reported that he has had two people with reactions that he would consider severe, out of 2,600 vaccinations given to date.

**Economic Development Update and Budget Request**

Economic Development Director Jim MacGregor joined in person. MacGregor presented a current job description and shared that the Flint Hills Regional Council will be meeting in Alma on Friday, May 21<sup>st</sup>. MacGregor reviewed five service areas that stimulate an entrepreneurial environment, highlighting the opportunities and challenges that exist currently in Wabaunsee County. MacGregor would like to host an Economic & Community Development workshop for County and City Leaders in the coming months.



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MacGregor presented a 2022 Budget Request of \$60,000, no change from 2021. MacGregor raised questions about the county policy on meals, and asked for clarification on when he can purchase meals with his budget.

**Conditional Use Permit Hearing**

At 10:00 am Commissioner Fager opened the Hearing for Conditional Use Permits. An estimated 40 people were gathered in the hallways of the courthouse.

Zoning Administrator Noel Sylvester presented Permit No. 605 for consideration. The Planning and Zoning Commission vote was 9 in favor, 2 opposed. Sam Harshman addressed the Commissioners in person, stating that they operate a quarry south of Eskridge, they have depleted the existing site and are looking to expand onto these neighboring locations.

Commissioner Allen moved to adopt Resolution 2021-19, a resolution for quarry operation requested by Harshman Construction agent for Andie Tranter, property located on Allen Ln, Eskridge KS for an extension of an existing operational rock quarry; Commissioner Fager seconded. Motion carried 2-0.

Sylvester presented Permit No. 606 for consideration, stating the Planning Commission vote was 9 in favor, 2 opposed. Harshman addressed the Commission stating that this would be the next property in line after the prior location is complete.

Commissioner Allen moved to adopt Resolution 2021-20, a resolution for quarry operation requested by Harshman Construction agent for Brent Cripps, property located on Allen Ln, Eskridge KS for an extension of an existing operational rock quarry; Commissioner Fager seconded. Motion carried 2-0.

Sylvester presented Permit No. 603 for consideration, stating the Planning Commission vote was 2 in favor, 9 opposed. Commissioner Fager asked for comments from the applicant. Charles Hockenbarger addressed the Commission in person. Hockenbarger thanked Mr. Sylvester for the communication and coordination through this application process. Hockenbarger shared his personal story of finding Lake Wabaunsee and eventually buying a home there, they have invested in the vacant property, making needed repairs and improvements. Hockenbarger stated that he wants to be a part of the solution to the issues that the lake community is facing. Hockenbarger stated that the concerns being raised should not be directed at renters alone, it should not matter who the people are, as long as they are abiding by the law, whether they are a renter, family member or family friend.

Lake Wabaunsee property owner Brenda Smith addressed the Commission in person. Smith stated that she lives at 263 Ponderosa Point. Smith read aloud a prepared testimony and provided copies to the Commissioners. Smith's comments included that Lake Wabaunsee is zoned single family residential, rentals have increased the challenges at the lake, including parking, trespassing, loud parties and dogs. Smith asked that the Commission uphold the Planning Commission's denial of the application.



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Lake Wabaunsee property owner Rick Higgs addressed the Commission in person. Higgs stated that he owns 272 Ponderosa Point. Higgs shared his positive experiences with regard to the neighborhood looking out for each other and taking care of each other, he raised concerns about how a rental allowing 16 new adults each weekend would change the neighborhood dynamic, as well as public safety issues.

John Waugh, Attorney for the Lake Community, addressed the Commission in person. Waugh stated that while we all appreciate people making an investment in our county, that is not the test today. The test today is on Zoning Laws, the factors to consider are: character of the neighborhood - very narrow roadway and limited parking; zoning and uses of nearby property – county indicates single family dwellings; suitability of the property for the uses restricted, will removal of recommendations detrimentally effect the neighboring properties. Waugh stated that the parking plan being proposed in the application is not adequate, as a portion of the newly paved driveway is in the Public Right-of-Way.

Richard Orton addressed the Commission in person. Orton stated that he lives at 178 Twain Arbor, and has served on the Planning & Zoning Commission since 2017 representing the Lake community. Orton explained that he raised the motion to deny the application based on the quantity of people allowed in the rental, proximity to neighbors and the intent to purchase other properties. Orton stated that he is not opposed to rentals in general, in his years on the planning commission he has voted against two based on objections by the community and roadways.

Hockenbarger responded to the questions raised, stating that in the purchase of the property they were told that they owned the driveway, there was no mention of public right-of-way, road vacation or transfer. Hockenbarger stated that zoning case law indicates a final ruling is to be taking into consideration actual harm. Hockenbarger does not see any evidence of actual harm caused by himself or the use of his property.

Commissioner Allen stated that as a Commissioner, he brings forth his voting constituents wishes, siting congestion in the area and concerns from the neighboring properties as his basis for a decision.

Commissioner Allen moved to uphold the planning commission decision to deny the permit and adopt Resolution 2021-22, a resolution denying a conditional use permit requested by Charles and Rachel Hockenbarger for property located at 268 Ponderosa Point, Lake Wabaunsee, Alma KS, for establishing a VRBO/AirBnB; Commissioner Fager seconded. Motion carried 2-0.

Hockenbarger stated that there are many problems at the lake that need to be addressed, including loud parties, drinking on the water, dogs off leashes and parking. Hockenbarger asked for direction on how to report or remedy the parking violations that he comes across. Hockenbarger requested clarification on the existing moratorium on enforcement for their CUP. Commissioners indicated that the existing moratorium expires on July 1<sup>st</sup>, as of July 1<sup>st</sup> the property cannot be used as a short term rental.



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**Budget Requests**

Judy Sommer and Lana Johnson joined in person. Sommer and Johnson provided the Program for Elderly 2022 Budget request and shared updates from their programs over the last year. Johnson reported that the Maple Hill Senior Center is now open for meals again.

Zoning Administrator Noel Sylvester presented the 2022 Zoning Budget Request of \$56,579.00, an increase of 27.5% from 2021 mainly due to the position going fulltime. Sylvester provided updated position descriptions for himself and his administrative assistant.

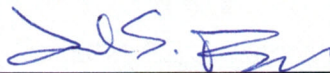
Sylvester reported that he has been working with the Kansas Department of Agriculture's Division of Water Resources to update the Floodplain maps, the notices have been printed in the newspaper as required, and there have been no comments submitted.

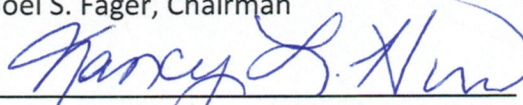
Commissioner Fager moved to adopt Resolution 2021-21, a Floodplain Management Resolution pursuant to K.S.A. 12-766 and K.A.R. 5-44-1 through 5-44-7; Commissioner Allen seconded. Motion carried 2-0.

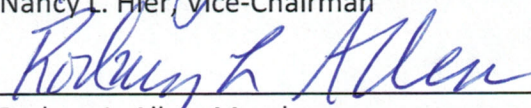
Treasurer Daily Statements for April 15, 16, 19, 20, 21, 22, 23, 26, 27 and 28 were reviewed and signed by Chairman Fager. Commissioners reviewed and signed wage change forms and April 2021 Vouchers.

At 11:03 am Commissioner Allen moved to adjourn until Monday, May 10<sup>th</sup> at 9:00 a.m.; Commissioner Fager seconded. Motion carried 2-0.

Minutes approved this 10<sup>th</sup> day of May 2021.


  
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Joel S. Fager, Chairman

  
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Nancy L. Hier, Vice-Chairman

  
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Rodney L. Allen, Member



Attest:

  
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Abby L. Amick  
Wabaunsee County Clerk