

MINUTES for September 9, 2024
BOARD of CHEROKEE COUNTY COMMISSIONERS'
CHEROKEE COUNTY, KANSAS

CONVENE

Chairman Cory Moates called the regular session of the Cherokee County Board of Commissioners (the Board), to order at 9:00 AM on Monday, September 9, 2024, in the Commission Room, #109 of the Cherokee County Courthouse located at 110 W Maple St., Columbus, Kansas. Commissioner Lorie Johnson opened the meeting with prayer followed by the Pledge of Allegiance. Commissioners Cory Moates, Lorie Johnson, Myra Frazier, Deputy County Clerk Jess Frasher, County Counselor Jake Conard, and News Report owner Larry Hiatt, Clearway Energy Representative Jon Hadley, and county residents Dale Scott, Danielle Murphy, and Nick Martin were present.

APPROVAL of MINUTES

Commissioner Frazier motioned to approve the minutes as presented from August 26, 2024. Commissioner Johnson seconded the motion. The motion passed unanimously.

APPROVAL of MINUTES

Commissioner Frazier motioned to approve the minutes as presented from August 30, 2024. Commissioner Moates seconded the motion. The motion passed unanimously.

SOLAR MORATORIUM DISCUSSION

County Counselor Jake Conard stated that for liability and transparency purpose, his recommendation would be to consider zoning the entire county. Conard acknowledged that this would be a large task, but that he believes it would be the proper way to move forward in order to regulate solar projects in the future. Commissioner Moates asked that even if solar projects are approved, would zoning make the process of regulating them smoother. Conard stated that zoning would make regulating them smoother. Commissioner Moates stated that zoning the county would take a large amount of time. Conard stated that Labette County took 18 months when they began zoning. Commissioner Johnson stated the expense of zoning the county is her main concern, and noted that the county would have to hire a planning company, which was not budgeted for in 2025. Johnson stated that after reading about the matter and speaking with other County Commissioners, she expects the cost of zoning the county would be in the area of \$250,000. Commissioner Frazier stated that zoning would only be necessary if they plan on tightly regulating solar energy and stated that she is totally against zoning the county. Commissioner Moates stated that he is opposed as well, but in order to protect the county, and to regulate solar projects, it may be necessary. Commissioner Johnson noted that in order to have zoning, the county would need to have a zoning board and comprehensive plan. Conard stated that what he thought would be the most fitting example would be Labette County, which only has commercial zoning. Commissioner Johnson stated that she has not been able to find an active solar farm in Kansas that is comparable in size to what is being proposed in Cherokee County. Commissioner Frazier stated that she has visited an 800-acre solar farm in the past week. She stated that it was surrounded by cotton and corn fields. Commissioner Johnson asked if there were people living in neighboring areas. Commissioner Frazier stated that there were probably 5 or 6 mobile homes within a couple of blocks of the farm. Commissioner Frazier stated that they did not have a natural barrier, only fencing. Commissioner Frazier commented that there was not much to learn from the visit. Commissioner Moates asked the Board if anyone had a recommendation on how long to extend the moratorium. Conard corrected his earlier statement regarding the amount of time it took Labette County to zone, stating that it took them 16 months. Commissioner Johnson stated that she would not be in favor of a resolution extending the moratorium for less than a year. Commissioner Moates motioned for a one-year moratorium on solar farms. Commissioner Johnson seconded the motion. The motion passed with Commissioner Frazier against. Commissioner Moates opened the meeting to public comment. Multiple landowners commented, with some in support of allowing the development, and some against. Clearway Energy Representative Jon Hadley provided some details regarding the size, design, and output of the proposed solar developments, and answered some of the Board's questions.

ROAD and BRIDGE

Road and Bridge Supervisor Cody Zook came before the Board to provide an update. Zook informed the Board that the County needs to purchase culvert drainage pipe and stated that he has received quotes from J & J drainage for \$12,504.00, Welborn Sales for \$14651.52, and one from a Co-Op for \$28,500.00. Zook noted that the quotes received were all for the same pipes. Zook stated that he would like to move forward with the purchase from J & J Drainage.

Zook informed the Board of asphalt work done on Southwest 70th Street and informed the Board of areas where work is planned to be done.

Commissioner Moates asked Zook if he had been contacted by a property owner that had reached out to him regarding the County taking on Plum Lane, which is currently a private drive. Commissioner Frazier stated that she believes it should be the

responsibility of the developer to build. Commissioner Moates states that he did inform the property owner that it has not been a practice of the Board to take on private drives, due to the current workload.

Commissioner Johnson informed Zook of a complaint she had received regarding a portion of SW Blackjack, stating that they had not seen a grader in that area for a while.

NON-ELECT EXECUTIVE SESSION

Commissioner Moates motioned for a 10-minute non-elected personnel executive session, with the Board, County Counselor Jake Conard, and Road and Bridge Supervisor Cody Zook, to return at 10:00 am. Commissioner Johnson seconded the motion. The motion passed unanimously.

The Board took no action.

SEWER LEANS

Road and Bridge Office Manager Joni Hicks came before the Board to request approval to move forward in the process of placing leans on properties that owe past due debts on sewer accounts. Hicks stated that there are 33 accounts that will have leans placed on them. Commissioner Moates asked if she is recording when bills and notices are sent out. Hicks stated that she does. County Counselor Conard requested that Hicks provide him with Deeds for the properties, as well as the amount owed on the sewer accounts. Hicks updated the Board regarding the status of the new billing system.

GENERATOR REPAIR PAYMENT

Emergency Manager Matt Haviland came before the Board with a receipt for payment on repairs made on the emergency management generator. Haviland stated that he needs the Board to decide which area of the Budget the funds are to come from. Commissioner Moates motioned to take the payment of \$7841.73 out of Courthouse funds. Commissioner Johnson seconded the motion. The motion passed unanimously. Road and Bridge Supervisor Cody Zook recommended that the County pay to have it tested and serviced once a year so that it is always ready for use. Commissioner Moates suggested looking into the possibility of replacing the generator with multiple smaller units in the future.

CHECKING ACCOUNT SIGNATURES

County Treasurer Heather Sapp came before the Board with an affidavit of authority updating the names of those who can sign County issued checks by adding names of new staff and removing former staff. Commissioner Moates motioned to approve the affidavit of authority. Commissioner Johnson seconded the motion. The motion passed unanimously.

KANSAS GAS SERVICE EFM INSTALLATION FORM

Commissioner Johnson motioned to authorize Chairman Moates to sign the Kansas Gas Service EFM agreement and installation form. Commissioner Frazier seconded the motion. The motion passed unanimously.

ATTORNEY CLIENT EXECUTIVE SESSION

Commissioner Moates motioned for a 15-minute attorney client executive session, with the Board and County Counselor Jake Conard, to return at 10:40 am. Commissioner Johnson seconded the motion. The motion passed unanimously.

The Board took no action.

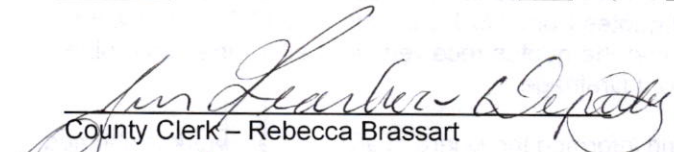

RESOLUTION 23-2024

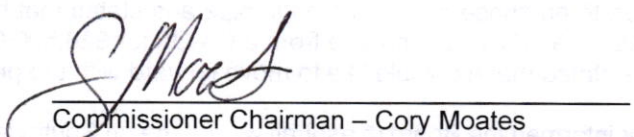

Commissioner Moates motioned to approve Resolution 23-2024, a resolution by the Cherokee County Board of Commissioners extending the moratorium on commercial solar energy projects until September 9th, 2025. Commissioner Johnson seconded the motion. The motion passed with Commissioner Frazier voting against.

ADJOURNMENT

Commissioner Frazier motioned to adjourn the meeting. Commissioner Johnson seconded the motion. The motion passed unanimously.

ATTEST: Resolved and ordered this 16th day of September 2024.


County Clerk – Rebecca Brassart

Commissioner – Lorie Johnson


Commissioner Chairman – Cory Moates

Commissioner – Myra Carlisle Frazier