



**Agenda
Harper County
Board Of County Commissioners
Harper County Courthouse**

Monday, August 10, 2020 - 9:00 a.m.

A. Call To Order

B. Pledge Of Allegiance

C. Public Comment

Citizens are encouraged to speak to items on the agenda when recognized by the Chairman. Citizens desiring to speak to matters not on the agenda may do so at this time. Comments are limited to five (5) minutes and the Commission will take no action on items not on the agenda. Items introduced under Public Comment may become agenda items at a later date.

D. Approval Of Minutes

E. Payment Of Vouchers

F. Items Of Business

1. Matt Booker - Zoning Administrator - 9:15 A.m.

- Public Hearing - Zone Change - Z-01-20

Documents:

[RESOLUTION 2020.PDF](#)
[7-28-2020.PDF](#)
[WARREN.PDF](#)
[BOCC CHECKLIST REZONING.PDF](#)
[BOCC REZONING REPORT.PDF](#)

2. Bob Randall - IT And Facilities - 9:30 A.m.

- Auto Attendant
- EMS Copier

Documents:

[GALAXIE COPIER INFO.PDF](#)
[PHONE LINE AUTO ATTENDANT PROPOSAL 8-10-2020.PDF](#)

3. Richard Raleigh - County Attorney - 9:45 A.m.

- Executive Session - Attorney-Client Privilege

4. Ami DeLacerda - HR - 10:00 A.m.

- Department Update
- Executive Session

5. Curt Logsdon - Public Works - 11:00 A.m.

- Department Update

6. Melinda McCurley - Community Development - 12:00 P.m.

- SPARK Funding

G. Correspondence

H. Adjourn

Harper County Planning Board

And Board of Zoning Appeals

Minutes of Special Meeting July 28, 2020

Agenda #1 Steve Bellesine called the meeting to order at 7:00 p.m. at the Harper Senior Center, Harper, Kansas.

Agenda #2 Roll call of the Planning Board was taken. Steve Bellesine, Larry Olivier, Kevin Alexander and Debra Blanchat were present. Recording Secretary, Jackie Keim and Zoning Administrator, Matt Booker were in attendance. (Attendance list on file.)

Agenda #3 Olivier made a motion to approve the agenda. Alexander seconded it. Passed 4-0.

Agenda #4 Olivier made a motion to approve the minutes. Alexander seconded it. Passed 4-0.

Agenda #5 At 7:02, Chairman Bellesine called for the public hearing of Z-01-20 for the request to change zoning from I-1 Light Industrial District to A-2 Agricultural District. No disqualifications were made. A quorum of 4 was present. Proper notification was given in the Anthony Republican on July 8, 2020 and 4 property owners were notified. No exparte communication were received. Booker gave a brief history of the property for the case. The property's zoning district changed in 2012, upon hearing case # Z-01-2012 to accommodate a trucking business for the oil industry. One of the conditions stated that the property owner and/or County was to initiate a case to rezone the property back to the previous zone when it seized to be a trucking business. No public were present. No written communications were received. The 17 fact and findings were reviewed. Alexander made a motion to recommend to the Governing Body that Case Z-01-2020 be approved to change the zoning district classification from the I-1 Light Industrial District to the A-2 Agricultural District. Olivier seconded the motion. Passed 4-0.

Agenda #6 No unfinished business was presented.

Agenda #7 Olivier made a motion to adjourn the meeting. Alexander seconded it. Passed 4-0.

Respectfully submitted:

Approved by the Planning Board:

_____ Date _____

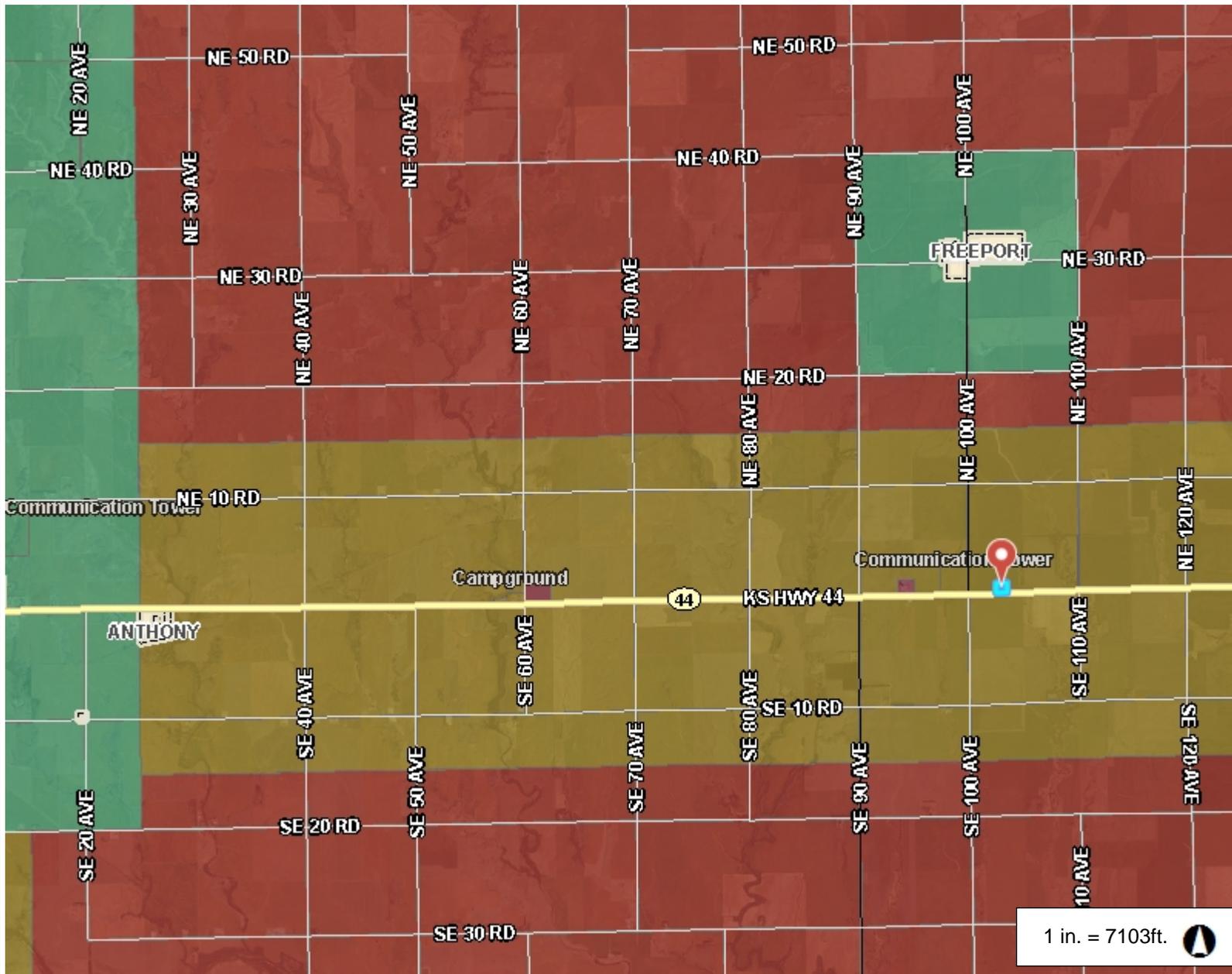
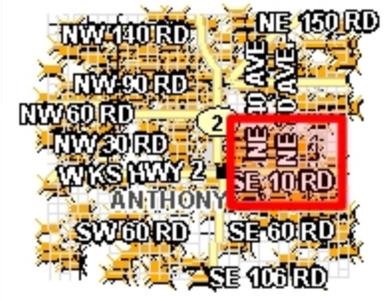
_____ Date _____

Jackie M. Keim
Recording Secretary

Steve D. Bellesine
Chairperson

unapproved

Harper County, KS

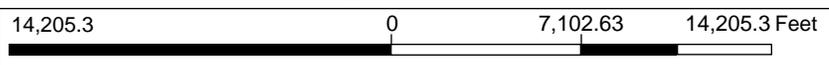


Legend

- Highways
- Street
 - PAVED
 - GRAVEL
- Railroad
- City Boundary
- Zoning
 - A-1
 - A-2
 - A-3
 - ANTHONY
 - ATTICA
 - B-1
 - B-2
 - BLUFF CITY
 - FREEPORT
 - I-1
 - I-2
 - MH-1
 - R-1
 - R-2
 - V-1
 - WALDRON

Notes

THIS MAP IS NOT TO BE USED FOR NAVIGATION



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

HARPER COUNTY BOARD OF COUNTY COMMISSIONERS

**CHECK LIST FOR CONSIDERATION
OF A REZONING CASE**

PURPOSE:

This check list is to assist: (1) the Chairman in conducting the discussion and decision on a rezoning case; (2) the County Clerk in an orderly process of minute taking; (3) the Applicant in presenting any new information; and (4) any persons who have new information or wish to know their rights in the matter. Although the order of the outline should be followed, the material will need to be modified to relate to the particular case. This check list is in keeping with the procedures in K.S.A. 12-757(c), (d) and (e) and the decision in Houston v. Board of (Wichita) City Commissioners, 218 Kan. 323 (1975). The latter determined that:

"Where the statutory requirements are fully met (Ed: Notice and public hearing) and a full and complete record of the substance of the planning commission proceedings is before the governing body, due process does not require the governing body to conduct a second public hearing on the advisability of the proposed change." (Syllabus)

CALL AGENDA ITEM:

I call Agenda item # _____ which is on Case No. Z-01-20. This is for a rezoning amendment requesting a change from the present I-1 Light Industrial District to the A-2 Agricultural District.

DISQUALIFICATION DECLARED AND QUORUM DETERMINED:

Before we proceed, I'll ask the Commission if any of them intend to disqualify themselves from participating in this case because they have conflict of interest. (Please let the minutes show that _____ has disqualified himself/herself because _____ and has temporarily disassociated himself/herself from our Commission.) We have a quorum of _____ present for the consideration of the case.

PROTEST PETITIONS:

Has the County Clerk received any protest petitions on the case? (If **no**, proceed to next item.) (If **yes**) Do they constitute the statutory required 20% necessitating a 3/4 vote of the Commission to approve the case? (If **yes**) Having determined that a valid protest petition has been submitted to the Clerk, I would remind the Commission that a unanimous vote is necessary to approve the case.

COMMUNICATIONS:

Did the Commission receive any comments from a city on this case? (If **no**, proceed to next item.) (If **yes**, discuss as deemed desirable.) Are there any other communications to consider on this matter other than from our Planning Board? (Read and discuss as deemed desirable.)

SUMMARY OF HEARING:

I ask the Commission members if they have all received copies of the unapproved Minutes of the Planning Board for July 28, 2020 which summarizes their hearing on this case. (If **no**, consider a motion to continue the agenda item until the minutes will be available.) (If **yes**) Having determined that the members have received the required information, I am going to call on the Zoning Administrator for a report and then ask the Applicant and any members of the public who wish to speak on this case to confine their presentation to new information not otherwise presented at the hearing. The Commission may also want to direct questions to the Applicant, the staff or other persons present.

ZONING ADMINISTRATOR'S REPORT:

I call on our Zoning Administrator, Matthew Booker to provide us with a report on the case and recommendation of the Planning Board. (See Rezoning Report.)

Thank you for your presentation. Are there any questions for the Zoning Administrator from the Commission members?

APPLICANT'S PRESENTATION:

Does the Applicant wish to present any new information?

Thank you for your information. Are there any questions to the Applicant from Commission members?

PUBLIC COMMENTS:

Does anyone from the public wish to respond to the Applicant's information or provide any new information? Please come to the podium and give your name and address.

Do any of the Commission members have a question for the public presenter?

APPLICANT'S RESPONSE:

Does the Applicant have any further responses to the public comments?
Are there any Commission questions?

BOARD DELIBERATION:

Assuming the Commission has received all the information they need on this case, you have received an outline of choices provided under the state statutes for Commission action: (K.S.A. 12-757[c]) How do you wish to act?

- (Recommendation to approve.)
- (1) Move to adopt the findings and factors and recommendation of the Planning Board on Case No. Z-01-20 and to **approve** Resolution No. 2020-_____ (Majority vote needed.) *
- (Recommendation to disapprove.)
- (2) Move to adopt the findings and factors and recommendation of the Planning Board to **disapprove** Case No. Z-01-20. (Majority vote needed.)
- (Recommendation to approve.)
- (3) Move to **override** the Planning Board’s recommendation, **approve** Case No. Z-01-20, **amend** in detail the findings and factors supporting the motion in the Rezoning Report, **attach appropriate conditions**, if any, and approve Resolution No. 2020-_____. (2/3 Majority vote needed.)*
- (Recommendation to disapprove.)
- (4) Move to **override** the Planning Board’s recommendation, **disapprove** Case No. Z-01-20 and amend in detail the findings and factors supporting the motion in the Rezoning Report. (2/3 Majority vote needed.) *
- (5) Move to **return the recommendation** to the Planning Board on Case No. Z-01-20 **for further consideration** at its next regular meeting with a statement specifying the basis for the Board's concerns whether to approve or disapprove the recommendation. **
- (6) Move to **table** Case No. Z-01-20 until _____, 20____ at :____ (a.m., p.m.) in this same meeting room for more (information) (and) (study) in regard to _____ (Majority vote needed.)

* **(Note:** If a valid protest petition is determined, a unanimous vote will be needed to approve the case.)

** (Note: If the Commission returns the Planning Board's recommendation, the Planning Board, after considering the same, may resubmit its original recommendation giving the reasons therefore or submit a new and amended recommendation. Upon the receipt of such recommendation, the Commission, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendation by resolution, or it need take no further action thereon. If the Planning Board fails to deliver its recommendation to the Commission following the Planning Board's next regular meeting after receipt of the Commission's report, the Commission shall consider such course of inaction on the part of the Planning Board as a resubmission of the original recommendation and proceed accordingly. In either circumstance, the Commission may take any action they desire by majority vote unless legal protest petitions are received which would necessitate a 3/4 vote, i.e., a unanimous vote to approve the case.)

CLOSING REMARKS:

(For approval)

Persons aggrieved by the final decision of the Commission on this matter have 30 days after the effectuating resolution is published within which to appeal to District Court.

(For disapproval)

Persons aggrieved by the final decision of the Commission on this matter have 30 days after today's action within which to appeal to District Court.

Thank you for participating in this matter.

I call for Agenda item #_____.

REVISED REZONING REPORT *

CASE NUMBER: Z-01-20

APPLICANT: Jeffrey & Renee Warren

AGENT: Harper County

REQUEST: Proposed change of zoning district classification from the I-1 Light Industrial District to the A-2 Agricultural District.

CASE HISTORY: Case Z-12-06 was heard by the Planning Board on June 19, 2012 and approved by Resolution 2012-21 by the Board of County Commissioners on July 10, 2012 to change from A-2 Agricultural District to I-1 Industrial District.

LOCATION: A tract of land, near the corner of NE 100th Ave and KS Hwy 44, on the north side of KS Hwy 44, approximately 9 miles east of Anthony, Kansas. Address: 1026 E KS Hwy 44, Freeport, KS 67049

SITE SIZE: 5 acres more or less

PROPOSED USE: Single-family dwelling in A-2 Agricultural District

ADJACENT ZONING AND EXISTING LAND USE:

North: A-2 Agricultural District – Agricultural land

South: A-2 Agricultural District – Agricultural land and single-family dwelling

East: A-2 Agricultural District – Agricultural land

West: A-2 Agricultural District – Agricultural land

* **NOTE:** This report is to assist the Planning Board to determine their findings from the evidence presented at the hearing so as to base their rezoning recommendation on the required 17 factors found in Section 11-100 H of the Zoning Regulations. The responses initially provided need to be evaluated with the evidence and reworded as necessary to reflect the Board’s considered opinion. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator. A copy of the report should be provided to the applicant before the hearing. The completed report can be included within the minutes following the statutory required summary of the hearing or attached thereto. The minutes and report should be forwarded to the Governing Body within 14 days to serve as a basis for their decision.

BACKGROUND INFORMATION:

This property is located along Highway 44. In 2012, the property owner changed the zoning district to I-1 Light Industrial District to accommodate a trucking business for the oil industry. It is no longer used as such and one of the conditions stated that the property owner and/or County was to initiate a case to rezone the property back to the previous zone.

(See attached aerial photo.)

FACTORS AND FINDINGS:**

1. What are the existing uses of property and their character and condition on the subject property and in the surrounding neighborhood? *(See existing land use on page 1 of 4.)*

This property is a Single-Family Dwelling

2. What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change in zoning classification?

> ***I-1 Light Industrial District. The surrounding area is zoned as A-2 Agricultural District.***

3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration for a change in zoning?

> ***No.***

4. Would the requested change in zoning correct an error in the application of these regulations as applied to the subject property?

> ***No.***

5. Is the change in zoning requested because of changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?

> ***The change is required per Condition #2 attached to Resolution 2012-21.***

** **NOTE:** Of those factors considered as relevant to the requested change in zoning district classification or boundary, not all factors need to be given equal consideration by the Board in deciding upon its recommendation.

6. Do adequate sewage disposal and water supply and all other necessary public facilities including road or street access exist or can they be provided to serve the uses that would be permitted on the subject property if the change in zoning was approved?

> ***The existing dwelling has adequate sewage disposal and water supply.***

7. Would the subject property need to be platted or replatted or in lieu of dedications made for rights-of-way, easements, access control or building setback lines if the change in zoning was approved?

> ***No.***

8. Would a screening plan be necessary for existing and/or potential uses of the subject property if the change in zoning was approved?

> ***No. Screening would not be necessary.***

9. Is the general amount of suitable vacant land or buildings available or not available for development that currently has the same zoning district classification as is requested for the subject property?

Yes. However, this is a zone change to the original zoning district required by condition #2 Resolution 2012-21.

10. In the event that the subject property is requested for business or industrial uses, are such uses needed to provide more services or employment opportunities?

> ***No. This is a family dwelling that is allowed in the A-2 Agricultural District***

11. Is the subject property suitable for the current zoning to which it has been restricted?

> ***No. In the I-1 Light industrial District, dwellings are not allowed.***

12. To what extent would the removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?

> ***There would be no detrimental effect to other property as it is A-2 Agricultural in the surrounding area.***

13. Would the change in zoning as requested be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

> ***Yes, by rezoning to the A-2 Agricultural District, it would permit the dwelling to continue.***

14. Is the request for the zoning change in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?
- > ***The Comprehensive Development Plan for the Unincorporated Area of Harper County, Kansas: 2003-2020 encourages industrial land use closer to the cities and a harmonious development for the county.***
15. What is the nature of the support or opposition to the requested change in zoning?
- > ***No public was present.***
16. Are there any informational materials or recommendations available from professional persons knowledgeable on this request which would be helpful in its evaluation?
- > ***No.***
17. Does the relative gain to the public health, safety and general welfare outweigh the loss in value or the hardship imposed upon the applicant by not approving the requested change in zoning?
- > ***By not approving the change in zoning there would be considerable hardship, as the property could not continue as a dwelling.***

CONDITIONS: (Determine conditions, if any, applicable to the case with rewording if necessary and add additional conditions as deemed desirable.)

cc: Applicant
Agent



Harper County

Location (Original)	Location (Proposed)	Purchase Options	Speed
Public Works		MX-3051	
MX-2615	Move to Dept. On Aging	TU-16	30
Replace with Option (See Right)		DE25	
		FX15	
		TonerKit	
		Total	
Dept. On Aging			
MX-2700N	Take out of service		
Replace with Public Works			
Sheriff		MX-3551	
MX-3115	Move to EMS	TU-16	35
Replace with Option (See Right)		DE25	
		FX15	
		TonerKit	
		Total	
EMS			
Anthony - Sharp MX-M260N	Take out of service		
Replace with Sheriff MX-3115			
Harper - Sharp MX-M376N	New Option (See Right)	(NEW) MX-B376W	
		MX-DS22	37
		MX-CS14	
		Total	
		(Used) MX-B376W	
		MX-DS22	
		MX-CS14	
		Total	

PLEASE FEEL FREE TO CALL WITH ANY QUESTIONS OR CONCERNS.
800.876.3469
Christopher Rhodes

Phone Line Auto-Attendant

To assist the County Clerk office with handling a large number of calls that are not intended for their office, we are proposing the use of an auto-attendant for call routing. This would only be for the 877 number and the 842-5555 number. All other calls direct to the department numbers would not go to the auto-attendant.

An option to consider would be to setup a new number for the Clerk's office that would bypass the auto-attendant. This would make the 877 and 842-5555 numbers for General Courthouse use and not occupy anyone's time to direct those calls. So, someone that knows they want the Clerk's office could call the new number and as with other department direct lines, a real person would answer the call.

The current proposed recording is on **620-842-6042**, if you would like to listen and review before the BoCC meeting.

This is the text of that recording...

Thank you for calling Harper County.
At any time, you may press a button for your selection.
Press 1 for District Court.
Press 2 for the Treasurer.
Press 3 for Road & Bridge.
Press 0 for all other departments
Press * to replay this menu or 9 for a personnel directory.