

**MARION COUNTY PLANNING COMMISSION**

**RECORD OF PROCEEDINGS**

**AUGUST 28, 1997**

Chairman Sieger called the meeting to order at 7:30 p.m.

Roll Call was answered by, Dorman Becker, Terry Eberhard, Clark Wiebe, Eldon Pankratz, Dean Fincham, Jo Helmer and Eileen Sieger. Herb Bartel was in attendance. Don Fruechting and Marquetta Eilerts were absent. Commissioner Bob Hein attended.

Off Agenda items- Eileen stated there were a couple of invitations to extend the Commission.

Eileen asked if there were any corrections or additions to the minutes of the July 24, 1997 meeting. There were none. Dorman moves to approve the minutes of July 24, 1997. Dean seconds. **In favor: 7, Opposed: 0, Motion carries.**

Item #4 - Application for **Constance A. Galle Trust** - Rezone pending from AG to RR and variance pending from 10 acres to 5.89. Mr. Norman Galle spoke on this application. Galle Trust has 55 acres and wants to sell 5.89 acres. Herb mentioned the size of the lagoon. Applicant stated that Dalke built the lagoon and it is only 2 years old. Eileen asked if there were any surrounding property owners present to speak on this application. There were none. Dorman asked about the Hillsboro Water District. Applicant stated that livestock water is not an issue at this time. Terry asked about squaring up the property. Clark asked if the Applicant would have a problem selling 10 acres. Applicant stated that he would be willing to sell 10 acres as long as he had access to his property. Eileen asked for further questions and closed the public portion of the meeting.

Item #5 - Application for **Roger Bartel** - Rezone pending from AG to RR. Applicant stated that he has 160 acres and wishes to sell the house and 10 acres. Eldon asked what year the house was built. Applicant stated 1976. Applicant is currently living in the house he wants to sell and farms the rest of the section, most of the land he wants to sell is pasture. He stated that he wants to remodel and move into another home on their property. Eileen asked if there were any surrounding property owners present to speak on this application. There were none. Eileen asked for further questions and closed the public portion of the meeting.

Item #6 - Application for **Dan Rosfeld**, rezone from AG to RR. Eileen stated that this was duly published in the Hillsboro Star Journal on 8/6/97. Applicant stated that his parents own and live on the 200 acres and they would like to sell 10 acres to

their granddaughter. There is currently a mobile home on the property. Eileen asked if there were any surrounding property owners present to speak on this application. There were none. Eileen asked for further questions and closed the public portion of the meeting.

Item #7 - Application for **K.D.O.T.**, conditional use permit for a 400 ft. communications tower. Mr. Joe Palic spoke on this application. Applicant stated that this is part of a project involving 75 towers across Kansas. This will increase the megahertz to 800. Marion County EMS, Sheriff and Highway Patrol would be able to hook up to this tower, at no charge, if they so choose. They would have to purchase new equipment. The current tower is 335 foot tall and is not capable. The original tower will be torn down eventually. Strobe lights will be put at the 200 foot level and the 400 foot level. Herb stated that if this application moves favorably, K.D.O.T. will be expected to provide an environmental impact statement per change to the Regulations. Eileen asked if there were any surrounding property owners present to speak on this application. Mr. Lawrence Winkley spoke and gave his concerns. He feels we have enough towers already. Clark stated that the only person benefiting from the tower is the person who leases the land. Mr. Bob Wegerer stated that the people leasing the land for towers do not usually live there. Eileen asked for further questions and closed the public portion of the meeting.

Item #8 - Appeal for **Lorne Dexter**. Mr. Charles Rayl, Attorney, spoke on behalf of the Applicant. Applicant was denied a building permit for a storm shelter. Herb stated that the permit was denied due to the storm shelter being located next to the well. Applicant stated that the storm shelter was to be part of a basement that was started in the early 1970's. Eileen read a petition from the Water Improvement District No. 2 opposing the location of the storm shelter. A letter was presented from K.D.H.E. stating that the well will be in compliance after the final grading, however, Lorne Dexter stated he cannot complete the grading until after he's built the storm shelter. Herb stated that the state did not address the issue of the location of the well because it is a county matter. Herb also stated that he would not issue a permit for the storm shelter if it and the well remain that close together. Members questioned why the Applicant needs a storm shelter next to a well, in the middle of his property and why a shelter is so important when the Applicant lives in Wichita and not on this property. Herb showed a picture of the storm shelter filled with water, stating that his concern is that the water will follow the foundation of the storm shelter. Eileen asked for further questions and closed the public portion of the meeting.

Item #4 - Application for **Constance A. Galle Trust** - Rezone pending from AG to RR and variance pending from 10 acres to 5.89. Herb stated that he could not recommend this rezone unless it was 10 acres. Eileen called for a motion. Terry moves that we recommend the rezone from AG to RR, to include 10 acres. Dean

seconds. **In favor: 7, opposed: 0. Motion carries.**

Item #5 - Application for **Roger Bartel** - Rezone pending from AG to RR. Clark stated that he is not in favor of this unless the previous tract is put back to AG. Clark moves that we table the application for rezone until such time that the Applicant furnishes us with an application to rezone the previous property back to AG. Terry seconds. **In favor: 7, opposed: 0. Motion carries.**

Item #6 - Application for **Dan Rosfeld**, rezone from AG to RR. Herb stated that he can recommend this rezone. Eldon moves that we recommend the rezone from AG to RR. Jo seconds. **In favor: 7, opposed: 0. Motion carries.**

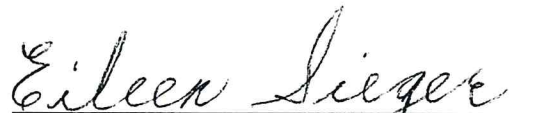
Terry Eberhard left at 10:00 p.m.

Item #7 - Application for **K.D.O.T.**, conditional use permit for a 400 ft. communications tower. There were two motions made that failed. Dorman moves that we approve the conditional use permit subject to an environmental impact statement study. Motion dies for lack of a second. Jo moves that we request an environmental impact statement before making any recommendation on the conditional use permit. Eldon seconds. **In favor: 3, opposed: 3. Tie vote fails.** Jo reissued her motion. Eldon seconds. **In favor: 5, opposed: 1. Motion carries.**

Item #8 - Appeal for **Lorne Dexter**. Jo made a motion to deny the appeal. Dean seconds. **In favor: 5, opposed: 1. Motion carries.**

Dean made a motion to adjourn the meeting. Dorman seconds. **In favor: 6, opposed: 0. Motion carries.**

PLANNING & ZONING COMMISSION

  
Eileen Sieger, Chair