

**MARION COUNTY PLANNING COMMISSION**

**RECORD OF PROCEEDINGS  
NOVEMBER 21, 1996**

Meeting was held at the Marion County Senior Center.

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

Roll Call was answered by Clark Wiebe, Dorman Becker, Bud Pierce, Dean Fincham, Don Fruechting, Terry Eberhard, Marlin Jansen and Eileen Sieger. Herb Bartel was in attendance.

Eileen stated that this meeting was being held one week early due to Thanksgiving holiday falling on the fourth Thursday of the month.

Eileen asked if there were any corrections or additions to the minutes of the October 24, 1996 meeting. There were no changes. Dorman moves to approve the minutes of October 24, 1996. Bud seconds. **In favor: 7, Opposed: 0, Motion carries.**

Item #4 - **Leon & Doey Kremeier** - Rezone pending from AG to RR, application was tabled from October 24, 1996 meeting as no one was present for this application. Eileen stated this application was duly published in the Marion County Record on October 2, 1996. Legal description is 8-20-2, Liberty Township. Applicant was not present, their representative, Mr. Floyd Goering - Auctioneer from Moundridge, KS handled presentation for the Kremeier's. Representative stated that the Applicants were requesting this zone change in order to sell this 10 acres for the highest and best value. The Representative was not aware of the zoning regulations for Marion County. The property was previously listed, most of the interest was in the homesight. Eileen asked what buildings are on this property. Representative responded, hay shed, silo, two trailer houses, dairy barn and chicken house. Don asked how large the complete tract was. Representative answered 40 acres. Representative stated there is someone presently living on this property, Dean Suderman. Representative stated there are two trailer house connected with a hallway on this property, it is actually a 5 bedroom, 2 bath, trailer house. Representative stated there is still an old farmhouse on the property. Clark asked if the 10 acres bisect the 40 acres. Representative stated yes. Clark asked if the prospective buyer for the agricultural land was the same person that owns the land to the south. The Representative stated that he could not answer that. The Representative stated that the 10 acres includes all the buildings, has water and has a lagoon. A survey has not been completed yet. Eileen asked what the surrounding property is being used for, Representative answered, crop land. Eileen asked if Herb Bartel had a recommendation. Herb stated that the zoning map does not show what is taking place in this area, the development is on 40 acre tracts

primarily. Herb also stated there is a pattern in this are to retain 40 acre tracts. Eileen asked if there were any further questions or information on this application. Eileen asked if there were any surrounding property owners wishing to speak on this application. There were none. Eileen closed the public portion of this application.

Item #5 - **Roger Bartel** - Rezone from AG to RR pending and variance from 10 acres to 5 acres, duly published in the Marion County Record on 10/30/96, legal description 35-20-1. Applicant stated that he owns the quarter section of 35-20-1, NW 1/4, and lives in the NW corner. Applicant wants to sell 5 acre homestead, on the SW corner, and has an offer. Applicant that there is a large 2 story house, barn and an older house that has not been lived in for years. Terry asked if there were any aerial photos of this property. Applicant stated no. Applicant stated that the house was built in 1930 and is in fair condition. Eileen asked what type of sewer system this has. Applicant stated that it has a septic tank and laterals. Applicant stated that the driveway comes in from the west. Clark asked if the Applicant would sketch a drawing, (copy in file). Herb stated that if you look at the zoning map in section 35, this was a large dairy operation at one time and that the property is in the general location of Myron Schmidt. Clark asked about the surrounding land. Applicant stated that the surrounding land is cultivated. Eileen asked Herb for his recommendation on this application. Herb stated that his position is that we must now conform to the regulations and that he cannot recommend the rezone on 5 acres, but could on 10 acres. Terry asked if the Applicant could make this a 10 acre parcel. Applicant stated that the buyer does not want any part of the farm ground. Eileen stated that the extra 5 acres gives the owner a buffer. Applicant stated that it is possible to make it 10 acres. Eileen asked if there was anything further that the Applicant wanted to state. Applicant stated that if the buyer ever wants to sell, he has the first opportunity to buy the land back, to put the quarter section back together. Eileen asked if the Applicant felt that this buyer will make this a quality home sight. Applicant stated yes. Applicant stated that there is a rural water district line. Eileen asked if there were any further questions and if there were any surrounding property owners present that wanted to speak on this application. There were none. Eileen closed the public portion of the meeting. Eileen stated that this is a two part action.

**NOTE: Don Fruechting and Herb Bartel left the table at 8:10 p.m. for Item #6 discussion.**

Item #6 - **B.F.I.K.** - Continuance of deliberation.  
(Minutes to be provided by Angela Schultz - Court Reporter.)

**Meeting discussion on Item #4 at 10:10 p.m., Don Fruechting and Herb Bartel returned to the table.**

Item #4 - **Leon & Doey Kremeier** - Terry asked Herb his

recommendation on this application. Herb stated that he cannot recommend splitting 40 acres any further. Herb stated that he would like to know who the buyer is for the 30 acres, if it is not going back to the quarter, there could be trouble. There was various discussion on who the buyer is from all members. It could not be determined if the 30 acres would be going back to the quarter. There was various discussion on the shape of the buildings and the house. Herb stated that the trailers were put on the 40 acres as agricultural. If this was split, the trailers could not be replaced. Herb stated that the house had major structural damage and has not been lived in for about 15 years.

Terry moves that the application be denied due to the fact that this is an agricultural area, a dairy operation. Dean seconds. Eileen called for further discussion. **In favor: 7, opposed: 0.** Motion carries.

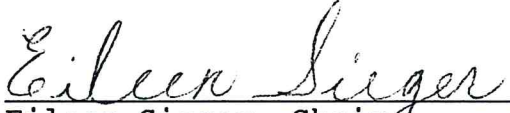
Item #5 - **Roger Bartel** - Terry asked Herb for his recommendation on this application. Herb stated his recommendation is that this needs to be 10 acres. Bud made a motion that we recommend the rezone from AG to RR due to the recommendation of professional staff, and that the variance from 10 acres to 5 acres be denied. Don seconds. **In favor: 6, opposed: 1.** Motion carries.

Eileen stated that the next regular meeting is January 23, 1997. Eileen also stated that the members whose terms will expire will need to let the commission know what their intentions are. Bud Pierce stated that he will not return. Marlin stated he is leaning towards retiring from the commission. Don stated that he has not yet made a decision.

Eileen asked all commission members to check the by-laws and see if they have any changes or suggestions.

Dean made a motion to adjourn the meeting. Terry seconds. **In favor: 7, opposed: 0.** Motion carries.

PLANNING & ZONING COMMISSION

  
Eileen Sieger, Chair