



AGENDA

Call Regular Council Meeting to Order

Resignation of Troy Hanson from City Council and President of the Landbank

Additions to the Agenda

Citizen Comments

A resident may address the Council on subjects that are not on the Agenda. All comments are limited to a maximum of three minutes for each speaker. In accordance with the Open Meeting Act, City Council members may not discuss or take action on any item that is not on the Agenda

Consent Agenda

These items are routine and enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests. Any consent agenda item can be removed and placed on the agenda as an item of business.

- 1. Approve Minutes**
 - a. Regular Council Meeting – September 20, 2016.
 - b. Special Council Meeting – September 24, 2016.
- 2. Appropriation Ordinance**
 - a. Ordinance #09-30-2016 for \$45,097.20.
 - b. Ordinance #10-04-2016 for \$89,468.28.
- 3. Approval of Planning Commission's recommendation of an amendment to Zoning Regulations and passing Ordinance #1040-Political Signage and Ordinance #1041—Rezoning from an R-1 to I-1 with a P-O.**
- 4. Approval of Planning Commission's recommendation to update the current zoning fee schedule.**

Department Head & Committee Reports

- 1. Grocery Store Task Force – Report**
- 2. Grant Administrator - Report**
- 3. Police – Report**
- 4. Fire - Report**
- 5 City Clerk – Report**
 - a. Employee spending authorization.
 - b. Budget
- 6. Interim-City Superintendent**
 - a. Report
- 7. City Attorney- Report**
 - a. Annexation of Businesses

Old Business

1. Axman's Land Donation and Sidewalk Project

New Business

1. Report

APPROPRIATION ORD. #09-30-2016

My Report Subtitle

Friday, September 30, 2016

Check	Vendor	Invoice ID	Invoice Description	Invoice Amount
109425	MANSEL CONSTRUCTION INC.	15-1242H #3	CDBG Sidewalk Grant Project: 8/01/16 - 8/29/16	\$45,097.20
				\$45,097.20

APPROPRIATION ORD. #10-04-2016

My Report Subtitle

Friday, September 30, 2016

Check	Vendor	Invoice ID	Invoice Description	Invoice Amount
109426	ADVANCE INSURANCE COMPANY	10/2016	October Premium	\$45.50
109427	Assurant Employee Benefits	10/2016	October Premium	\$105.31
109428	BLUE CROSS & BLUE SHIELD OF KS	10/2016	October Premium	\$9,418.19
109429	Century Link	09/2016	September Statement	\$1,276.02
109430	CIC	PSI24287	Exhibit B#461-16-02 - Signature Lines for petty cash and	\$300.00
109431	Cintas Corporation	5005981286	Cabinet Supplies	\$170.93
109432	Dirt Road Designs	190	Color T-shirt - Nick Lauffer	\$37.50
109433	Emergency Reporting	2016_4441	Monthly Fire invoice for October 2016	\$99.00
109434	HD Supply Waterworks, Br. 226	G192995	Repair Clamp Water Dept.	\$165.39
109435	IDA LONG GOODMAN LIBRARY	10/2016	Payment to Library Board	\$2,382.66
109436	KANSAS GAS SERVICE	09/2016	September Statement	\$214.54
109437	MANSEL CONSTRUCTION INC.	09/13/2016	Rebuild inlet & gutter at 5th & West Streets	\$3,100.00
109438	MARMIE FORD, INC.	120534	Hose for 2008 F550 Bucket Truck	\$75.00
109439	Marmie Motors, Inc.	CHCS474735	2013 Dodge Truck Headlight Repair	\$124.55
109440	MIDWEST ENERGY, INC.	09/2016	485,837 kWh	\$60,353.82
109441	Nex-Tech	4740366	September Statement	\$371.85
109442	OFFICE PRODUCTS, INC.	252329	Maintenance Agreement	\$137.87
109442	OFFICE PRODUCTS, INC.	704894	Ink Cartridge for Electric Dept. Printer	\$90.99
109442	OFFICE PRODUCTS, INC.	704930	Binders for Treasurer and file pockets for City Clerk	\$109.44
109442	OFFICE PRODUCTS, INC.	G03650	Pocket Folders for Shop and File Folders for City Clerk	\$80.74
109442	OFFICE PRODUCTS, INC.	G04884	Ink for Treasurer Printer (BLK), Columnar pads for checki	\$139.66
109443	SAFETY-KLEEN INC.	71404265	Parts washer solvent	\$223.15
109444	Sanders Arms & Ammo	4	Ammunition for training	\$465.00
109445	Shred-it USA, LLC	8120910369	Shredding Services	\$85.60
109446	Stafford County Clerks' Office	090216	August Utility Bill	\$80.13
109446	Stafford County Clerks' Office	092116	August Gas Bill	\$12.24
109447	TNT Renovations, Inc.	6711	Carpet Cleaning: City Office and Police Station	\$261.75

My Application

This software is registered to My Report Subtitle

9/30/2016 2:52:51 PM

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Check	Vendor	Invoice ID	Invoice Description	Invoice Amount
109447	TNT Renovations, Inc.	6712	Carpet Cleaning - Witt Center	\$386.00
109448	Totally Promotional	SIN467641	Fire Prevention Materials - Stadium Cups	\$143.00
109449	Transact Technologies Inc.	1269716	Cashiering Printer Paper	\$93.34
109449	Transact Technologies Inc.	1269958	Cashiering Printer Ribbon	\$95.64
109450	Unifirst Corporation	240 0656005	Electric Dept. Uniforms	\$31.47
109450	Unifirst Corporation	240 0656013	Reuben, Chris, and Champ Uniforms	\$28.00
109450	Unifirst Corporation	240 0657515	Electric Dept. Uniforms	\$31.47
109450	Unifirst Corporation	240 0657522	Reuben, Chris, Champ Uniforms	\$28.00
109451	Unruh Brothers Waste, LLC.	10/2016	October Trash Service	\$8,360.26
109451	Unruh Brothers Waste, LLC.	2161	30 yd rolloff dumped 8/18/16	\$344.27
				\$89,468.28

REZONING REPORT

CASE NUMBER: Z- 2016 -1_____

APPLICANT: SCOTT CLAUSSEN_____

AGENT (IF ANY): _____

REQUEST: CHANGE PROPERTY CURRENTLY ZONED R-1 SINGLE FAMILY
RESIDENTIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT._____

CASE HISTORY: NONE_____

LOCATION: LOT 12-14, LOT 12 THRU 14; BLOCK 10; KENDALL'S SUBDIVISION,
S04, T24, R13 WHICH IS 120.6' X 120._____

SITE SIZE: _____

PROPOSED USE: FOR TEMPARORY STORAGE OF VEHICLES FOR A LOCAL TOWING
SERVICE._____

ADJACENT ZONING AND EXISTING LAND USE:

North: R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

South: I-1 INDUSTRIAL DISTRICT

East: R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

West: R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

***NOTE:** This report is to assist the Planning Commission 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 11-100H of the Zoning Regulations. The responses initially provided need to be evaluated with the evidence and reworded as necessary to reflect the Commission'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 in the minutes, following the statutorily 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:

Applicant tows disabled vehicles and desires to take them to a storage area. There is no current impound lot in the City or county, in which his business resides. His current location at 113 W 4th, does not have the space available to contain the vehicles.

Factors & Findings:

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 Planning Commission in deciding upon its recommendation.

1. What are the existing uses and their character and condition on the subject property and in the surrounding neighborhood? *(See Adjacent Existing Land Use on page 1 of 4);* _____
The adjacent lots to the west and south are vacant; lots east have residential structures on them but they are vacant; as for the North there is residential housing.
2. What is the current zoning of the subject property, and that of the surrounding neighborhood in relationship to the requested change? *(See Adjacent Zoning on page 1 of 4):*
The properties west, north, and east are zoned R-1 Single Family Residential District. The properties South are zoned I-1 Industrial District.
3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration? **No** _____
4. Would the request correct an error in the application of these regulations? **No** _____
5. Is the request caused by 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? **A relative of the applicant owns and lives in the dwelling to the North.**
6. Do adequate sewage disposal and water supply, and all other necessary public facilities including street access exist or can they be provided, to serve the uses that would be permitted on the subject property? **Sewage disposal and water supply won't be needed. Paved Streets are available in all directions to the site.**
7. Would the subject property need to be platted or related or in lieu of dedications be made for rights of way, easements, access control or building setback lines? **The property is platted.**

8. Would a screening plan be necessary for existing and/or potential uses of the subject property? **Normally yes, but the Applicant is proposing an eight-foot solid fence with evergreen trees to the North.**
9. Is suitable vacant land or buildings available or not available for development, which currently has the same zoning as is requested? **Probably in the I-1 Industrial zone.**
10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities? **Will not increase employment.**
11. Is the subject property suitable for the current zoning to which it has been restricted? **Yes, however, residential expansion in the area has slowed.**
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? **Spot zoning of an I-1 District would be detrimental to the value of other lots in the area unless limited by a P-O Protective Overlay District.**
13. Would the request be consistent with the purpose of the zoning district classification, and the intent and purpose of these regulations? **The purpose use would be consistent with the purpose of the I-1 District.**
14. Is the request in conformance with the Comprehensive Plan, and does it further enhance the implementation of the Plan? **The city doesn't have an adopted Comprehensive Plan.**
15. What is the nature of the support or opposition to the request? **None present.**
16. Are there any informational materials or recommendations available from professional persons, or persons with related expertise which would be helpful in its evaluation? **According to our Planning Consultant, this would not normally be allowed, but the use of the P-O District can make it possible.**
17. By comparison, does the relative gain to the public health, safety and general welfare outweigh the loss in property value or the hardship imposed upon the applicant by not approving the request? **To make this possible, the relative gain to the public health, safety, and general welfare to protect property values by not approving the request can only be offset by strict P-O District protective conditions.**

CONDITIONS:

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

RECOMMENDATION FROM THE PLANNING COMMISSION FOR UPDATED FEE SCHEDULE.

ZONING FEE SCHEDULE
ADOPTED OCTOBER 4, 2016

Section 2. That the following non-refundable fees are hereby established for the purpose of wholly or partially defraying costs of proceedings before the City of St. John Board of Zoning Appeals for appeals from the determination of the Zoning Administrator, variances and conditional uses:

Appeals	- \$ 75.00
Variance	- \$ 75.00
Conditional Use	- \$ 75.00

If notifications have been given for an appeal, variance or conditional use and the applicant requests a deferral of the hearing, the applicant will be charged the direct cost of renotification.

Section 3. That the following non-refundable fees are hereby established for the purpose of wholly or partially defraying costs of administration and enforcement under the Zoning Regulations of the City of St. John, Kansas for various permits and certificates:

Zoning Permits and Occupancy Certificates

Principle Structure or Use	- \$ 50.00 *
Accessory Structure or Use	- \$ 50.00 *
Fence Structure or Use	- \$ 10.00*
Sign Only	- \$ 20.00 *
Portable Sign – 30 Days or less	- \$ 10.00
Portable Sign – Annual	- \$ 50.00 per year or 10.00 per month for remaining months in calendar year
Service Charge for Redeeming Illegally Placed Portable Sign	- \$ 50.00
Temporary Permit (Nonprofit Recycling Collection Center, small or large, temporary permit required, but no fee charged.)	- No Charge

* This fee is not separately required if an application is concurrently made and a fee paid for a Building Permit. When an application for a permit is concurrently made for any combination of principle, accessory or sign structures or uses, the highest fee applicable to any one of the structures or uses will apply. If a permit is not approved, the fee will be returned to the applicant.

If there is a failure to apply for a zoning permit prior to commencing the construction, structural alteration, enlargement or moving of a structure or the establishment, change to another, extension or enlargement of a use which upon investigation would otherwise have been permitted by the joint

RECOMMENDATION FROM THE PLANNING COMMISSION FOR UPDATED FEE SCHEDULE.

Zoning Regulations, there shall be an investigation charge added to the above permit fee which doubles the cost of the fee.

RESOLUTION NO.

A RESOLUTION ESTABLISHING A FEE SCHEDULE FOR CHARGES FOR PROCEEDINGS GOVERNED BY THE ZONING REGULATIONS OF THE CITY OF ST JOHN, KANSAS.

WHEREAS, the City of St. John adopted Zoning Regulations, which create the need for a fee schedule to wholly or partially defray the costs for administration and enforcement of such regulations: and

WHEREAS, the City is authorized pursuant to K.S.A. 12-757 (a) to establish reasonable fees to be paid in advance by the owner of any property at the time of making application for a zoning amendment: and

WHEREAS, the City is authorized pursuant to K.S.A. 12-759 (a) to establish a scale of reasonable fees to be paid in advance by applicants for cases heard by the Board of Zoning Appeals.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ST JOHN, KANSAS:

Section 1. That the following fees are hereby established for the purpose of wholly or partially defraying costs for proceedings under the Zoning Regulations of St. John, Kansas for amendments to zoning district classifications and for special use applications:

Amendment to District Classification - \$ 100.00

Special Use Application - \$ 100.00 *

* If an amendment to a district classification and a special use application are concurrently processed for the same zoning lot, only one fee is to be charged which would be the higher of the two fees listed.

If notifications have been given for an amendment to a district classification or a special use application and the applicant requests a deferral of the hearing, the applicant will be charged the direct cost of renotification.

9/20/2016 7:00 PM | Meeting called to order by Mayor Bobby Stimatz | Tom Harrison opened with prayer.

Attendance

Council members present;

⌘ Bobby Stimatz, Mayor	⌘ Shari Williamson, President
⌘ Mark Bryant	⌘ Marshal Sanders
⌘ Troy Hanson	⌘ Kevin Davis

Additions to the Agenda

- ⌘ No Additions to the Agenda

Citizen Comments

- ⌘ No comment

Consent Agenda

- ⌘ Approve Minutes of Regular Council Meeting on 09-06-2016.
- ⌘ Approve Appropriation Ordinance #09-09-2016 in the amount of \$48,031.88
General -\$48,031.88.
- ⌘ Approve Appropriation Ordinance #09-20-2016 in the amount of \$32,295.91.
General-\$8,930.07; Sewer Utility-\$66.13; Water & Light-\$23,249.71; CDBG Sidewalk Grant - \$50.00.
- ⌘ Approval of Mansel Construction Inc.'s invoice for repairs of inlet & gutter at 5th & West St. Original quote was for \$2,000.00 actual cost \$3,100.00.

Bryant moved to approve these items included in the consent agenda. Seconded by Hanson. No discussion. Motion carried 5-0.

Committee & Department Head Reports

Grocery Store Task Force- Tonya Sanders, President

- ⌘ Sanders update on their meeting with Save A Lot.
- ⌘ Sanders presented information on the feasibility study.
- ⌘ Carolyn Dunn, Stafford Economic Development, reported on their involvement with the feasibility study. The estimated start date is October 17th, 2016 with the results available the first part of November.
- ⌘ Dunn explained about a community survey which would coincide with the study. She would like the City to assist in promoting the survey to the community.
- ⌘ Bevelin advised on the feasibility study.

Davis moved the City contribute \$1,500.00 towards the cost of the feasibility study. Seconded by Bryant. There was a discussion. Motion Carried. 3-2. Hanson abstained. Sanders Opposed.

Hanson moved to increase the City's financial contribution to the feasibility study from \$1,500.00 to \$3,450.00. Seconded by Sanders. There was a discussion. Motion 4-1. Davis opposed.

Grant Administrator- Lisa Cornwell

- ⌘ No Report

Police Department-Chief Adam Sayler

- ⌘ Not present. No Report

Fire Department-Chief Michael Sanders

- ⌘ Not present. No Report.

Administration-

City Clerk-La Dona Garcia

- ⌘ Garcia informed council on the upcoming Planning Commission/Zoning Board Appeals hearing scheduled for September 26th regarding Scott Claussen Z-2016-01 and BAV-V-2016-01 permit application

City Superintendent

- ⌘ Williamson requested guidance on a request from USD 350 school board member Carl Behr. Behr requested both labor and financial assists with resurfacing the blacktop and alley entrance on the east side of the industrial art building.
- ⌘ There was a discussion between Council and Williamson. Council would like some estimated figures on cost before making a decision.
- ⌘ This issue was tabled to October 4, 2016, to allow Williamson time to collect bids.
- ⌘ Williamson updated the council on the 1st Street gutter and dip project.

City Attorney-John D Beverlin II.

- ⌘ Beverlin provided additional information on the upcoming tax sale and grant opportunity through the Stafford Economic Development.
- ⌘ Dunn advised council on a housing grant, the City may want to apply for.
- ⌘ Beverlin advised on the process of acquisition those properties currently available in the tax sale.
- ⌘ There was a discussion between Council, Beverlin, and Dunn.
- ⌘ The consensus of the council was to have Beverlin move forward with the acquisition process, by contacting County Attorney and Treasurer. If the outcome is feasible, Beverlin will move forward.
- ⌘ Beverlin informed and advised on implementing a City Administrator's position. The process would take restructuring the government.
- ⌘ There was a discussion between Council, Mayor, and Attorney.
- ⌘ This issue was dismissed due to lack of interest.

Old Business

- ⌘ Carolyn Dunn, Stafford County Economic Development, updated on the Axman's Land Donation and Sidewalk Project, the current landowner of Dollar General has made a verbal comment of \$15,000.00 towards the project.
- ⌘ There was a discussion between Council, Mayor, Attorney, and Dunn.
- ⌘ The issued was tabled to next meeting October 4, 2016, to allow Council move time to make their decision.

New Business

- ⌘ Williamson informed the council of the motor vehicle accident which occurred the evening of September 15, 2016, involving damage to the fire hydrant on 5th St. all cost of repair will be turned over to Beverlin.

Executive Sessions

Davis moved for an executive session for fifteen minutes pursuant to personnel matters of nonelected personnel to include Mayor, Council, City Attorney, and City Clerk, in order to discuss and review city superintendent applications regular council meeting will reconvene at 8:57 pm. Seconded by Sanders. No discussion. Motion carried 5-0.

Shari Williamson excused herself from executive session due to conflict of interest.

Mayor Stimatze reconvened the open council meeting at 8:57 pm

With no further business, Bryant moved to adjourn the meeting at 9:01 pm. Seconded by Sanders. No Discussion. Motion Carried 4-1. Hanson opposed.

Next regular council meeting will be Tuesday, October 4, 2016, at 7:00 pm.

Bobby Stimatze, Mayor

LaDona S Garcia, City Clerk

9/24/2016 8:00 AM | Special meeting called to order by Bobby Stimatze

Attendance

Council members present;

☒	Mayor Bobby Stimatze	☒	Troy Hanson
☒	Shari Williamson, President	☒	Mark Bryant
☒	Marshal Sanders	☒	Kevin Davis

Mayor Stimatze stated the reason for the special meeting and the procedures were followed.

Bryant moved for an executive session for ten minutes pursuant to personnel matters of nonelected personnel to include Mayor, Council, and City Clerk, in order to discuss and review City Superintendent applications special council meeting will reconvene at 8:11 am. Seconded by Davis. No discussion. Motion carried 5-0.

☒ Shari Williamson excused herself from executive session due to conflict of interest.

Mayor Stimatze reconvened the meeting at 8:11 am.

Bryant moved for an executive session for ten minutes pursuant to personnel matters of nonelected personnel to include Mayor, Council, and City Clerk, in order to discuss salary increases for current city employees and advertise lineman application, special council meeting will reconvene at 8:22 am. Seconded by Davis. No discussion. Motion carried 5-0.

Mayor Stimatze reconvened the meeting at 8:22 am.

☒ Mayor Stimatze recommended the hiring of Jason Wyatt to lineman at \$19.24 an hour and increasing Nick Lauffer from \$17.30 an hour to \$19.72 an hour, pending on the hiring of Jason, for a six month probation period, with a possible increase in salary and/or position advancement.

Davis moved to approve Mayor Stimatze's recommendation to hire Jason Wyatt to Lineman at \$19.24 an hour and increase Nick Lauffer from \$17.30 an hour to \$19.72, pending on the hiring of Jason, for a six month probation period, with a possibility of an increase in salary and/or position advancement. Seconded by Bryant. No Discussion. Motion Carried 5-0.

☒ Mayor Stimatze recommended leaving Jeff Williamson as Interim City Superintendent with an increase of a \$1.21 per hour, for a six month probation period, after which having no concerns he will become the City Superintendent.

Davis moved to approve Mayor's recommendation to leave Williamson as Interim City Superintendent with an increase of a \$1.21 per hour, for a six month probation period, after which having no concerns he will become the City Superintendent. Second by Bryant. No Discussion. Motion Carried 3-1. Hanson opposed. Williamson abstained.

With no further business, Davis moved to adjourn the meeting at 8:34 am. Seconded by Sanders. No discussion. Motion Carried 5-0.

Bobby Stimatze, Mayor

LaDona S Garcia, City Clerk

City of St John
Planning Commission/Board of Zoning Meeting
City Hall Council Room
Monday, September 26, 2016 7:00 PM

Present:

Members: Jo Carol Hudson, Chairperson
Carl Behr
Amy McVey
Esai Macias

Absent

Members: Alvin Rodarmel

Zoning Administrator: LaDona Garcia

Others: Scott Claussen and Bobby Stimatze

- I. Jo Carol Hudson called the meeting to order at 7:00 pm
- II. LaDona Garcia swore in Amy McVey and Esai Macias as the two new members of the Planning Commission and Board of Zoning Appeals.
- III. Jo Carol Hudson explained the officer opened for elections:
 - i. Carl Behr moved for Amy McVey for Secretary. **Seconded by Esai Macias. No discussion. Motion Carried 4-0.**
- IV. Amy McVey moved to approve the minutes of the meeting on September 2, 2015. **Second by Carl Behr. No discussion. Motion Carried 4-0.**
- V. Planning Commission held a public hearing for Z-2016-01 for applicant- Scott Claussen. Location: 207 S Pearl
 - i. Rezoning from R01 Single-Family Residential District to I-1 Industrial
 1. Carl Behr moved to approve Rezoning Report as written with the P-O added. **Seconded by Esai Macias. No discussion. Motion Carried 4-0.**
- VI. Carl Behr moved to recess the Planning Commission and open The Board of Zoning Appeals Meeting at 7:20 pm. **Seconded by Esai Macias. No Discussion Motion Carried 4-0.**
- VII. Board of Zoning Appeals held a public hearing for BZA-V-2016-01 for the applicant- Scott Claussen.
 - i. The variance of 2' additional to the required 6' limitation on fence height restriction.
 1. Esai Macias moved to grant Variance Report VII as amended with the two conditions. **Seconded by Carl Behr. No discussion. Motion Carried 4-0.**
- VIII. Amy McVey moved to adjourn The Board of Zoning Appeals Meeting and reconvene the Planning Commission at 7:25 p.m. **Seconded by Carl Behr. No Discussion. Motion Carried 4-0.**
- IX. Planning Commission held a public hearing for Ordinance No. 1040
 - i. Amend Section 7-103A8 pertaining to political campaign signs and their location

City of St John
Planning Commission/Board of Zoning Meeting
City Hall Council Room
Monday, September 26, 2016 7:00 PM

1. Carl Behr moved to approve Ordinance No 1040 as written. **Seconded by Easi Macias. No Discussion. Motion Carried. 4-0**
- X. Old Business- No Report
- XI. LaDona S Garcia presented the updated fee schedule
- i. Amy McVey moved to update the current fee schedule with a non-refundable processing and these changes as followed:
 1. \$10.00 for fencing permits; \$50.00 for all structure permits; \$75.00 for Variance and Special Use permits, and \$100.00 for Rezoning permits. **Seconded by Easi Macais. No Discussion. Motion Carried 4-0.**

Easi Macais moved to adjourn the meeting at 7:55 p.m. **Second by Carl Behr. No discussion. Motion Carried 4-0.**

Jo Carol Hudson, Chairperson

LaDona Garcia, Zoning Administrator/Recording Secretary

ORDINANCE NO. 1041

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN PROPERTY LOCATED IN THE CITY OF ST. JOHN, KANSAS, UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ST. JOHN, KANSAS:

SECTION 1. Having received a recommendation from the St. John City Planning Commission on Case No. Z-2016-01, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City as originally approved by Ordinance No. 1007, the zoning district classification of the property legally described herein is changed as follows:

Change of zoning district classification from the R-1 Single Family Residential District to the I-1 P-O Industrial with Protective Overlay District.

Legal description: *Lots 12 thru 14 in Block 10 of Kendall's Subdivision of a part of the Northwest Quarter of Section 4, Township 24 South, Range 13 West, being part of the City of St. John, Kansas.*

General location: 207 S Pearl, St. John, Kansas

Such change of zoning is subject to the following conditions:

1. The use of the fence are is limited only to the #5 permitted use in the I-1 District, i.e. Automobile, Trucks, and Recreational Vehicle Storage.
2. No storage of any kind will be allowed outside the fenced area.
3. If the designated uses is discontinued for more than six months at any time. The Applicant or the City shall seek to rezone the property back to an R-1 Single Family District.

SECTION 2. Upon the taking effect of this Ordinance, the above zoning change shall be entered and shown on the Official Zoning Map(s), as previously adopted by reference, and said map(s) is hereby reincorporated as a part of the Zoning Regulations as amended.

SECTION 3. This Ordinance shall take effect and be in force from and after its passage, approval, and publication once in the official city newspaper.

PASSED BY THE CITY COUNCIL ON
this 4th day of October 2016.

APPROVED BY THE MAYOR
this 4th day of October 2016.

/s/ _____

Bobby Stimatze, Mayor

(S E A L)

ATTEST:

/s/ _____

LaDona S Garcia, City Clerk

APPROVED AS TO FORM:

/s/ _____

John D Beverlin II, City Attorney

1. **Platting:** That ~~(all)(or a portion of) such property to be platted (or replatted), and recorded within one year from the date of Governing Body approval, or the case be considered disapproved and closed, and that the Ordinance effectuating the zone change not be published by the City Clerk until the final plat has been recorded with the Register of Deeds during the period stated above.~~
2. **Dedication:** That ~~, in lieu of platting, a dedication be made before the effectuating ordinance is published, for (an additional _____ foot right of way to the _____ side of _____) (and) (a _____ foot easement located on _____ for (utility)(drainage) (screening) (_____) purpose) (and) (total access control along _____ with not more than _____ openings permitted which are not more than _____ feet wide and not less than _____ feet from the corner of the property at the street intersection) (and) (a building setback line of _____ feet on _____.)~~
3. **Screening Plan or Site Plan:** That a screening plan or site plan be submitted to the Planning Commission for approval prior to the issuing of a zoning permit.
4. **Annexation:** That ~~an annexation ordinance is approved and published prior to the effectuating ordinance for the rezoning amendment.~~
5. **Subject to the following provisions of the P-O Protective Overlay District:**
 - a. The use of the fenced area is limited only to the #5 permitted use in the I-1 District, i.e. Automobile, Trucks, Recreational Vehicle storage.
 - b. No storage of any kind will be allowed outside the fenced area.
 - c. If the designated uses is discontinued for more than six months as at any time. The Applicant or the City shall seek to rezone the property back to an R-1 Single Family District.

Cc: (Applicant) (Agent)

VARIANCE REPORT

CASE NUMBER: BVA-V- 2016 -01

APPLICANT: Scott Claussen

AGENT (IF ANY): None

REQUEST: Variance to increase the height of a solid white three ribbed steel fence from the permitted six feet height to eight feet.

CASE HISTORY: Case must be subject to approval of the request for I-1 Industrial District

LOCATION: 207 S Pearl; St John Ks 67576

SITE SIZE: 14478 sq.ft lot—120' X 120.65'

ADJACENT ZONING AND EXISTING LAND USE:

North: Proposed I-1 Industrial District.

South: Proposed I-1 Industrial District.

East: Proposed I-1 Industrial District.

West: Proposed I-1 Industrial District.

***NOTE:** This report has been prepared by the Zoning Administrator to assist the Board of Zoning Appeals to determine their findings of fact from the evidence presented at the hearing so as to base their decision for a variance on the required five findings found in Section 10-10701 of the Zoning Regulations. The Board may grant a request for specific written findings of fact when all five conditions, as required by state statutes, are found to exist. The responses provided need to be evaluated with the evidence and rewarded as necessary to reflect the Board of Zoning Appeals 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.

BACKGROUND INFORMATION:

(See attached drawings.) The additional two feet height is for security and screenings purposes.

DOES THE EVIDENCE DEMONSTRATE THAT:

1. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a practical difficulty or unnecessary hardship upon or for the owner, lessee or occupant, as distinguished from a mere inconvenience, if the provisions of these regulations were literally enforced: **The security of the vehicles and the screening from residences are necessary.**

2. The request for a variance is not based exclusively upon a desire of the owner, lessee, occupant or Applicant to make more money out of the property. **The Applicant desires to protect their interest in the business and fit cosmetically into the neighborhood by screening.**

3. The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located. **The solid fence and its proposed height will benefit the neighborhood.**

4. The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase congestion on public streets or roads, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood. **The low amount of traffic anticipated and the design of the fence should address the above issues.**

SPECIFIED CONDITIONS TO BE MET:

The Board may grant a variance upon specific written findings of fact based upon the particular evidence presented at the hearing so that all five of the conditions required by K.S.A 12-759(e) have been met which are listed below. If any of the conditions cannot be met the condition(s) needs to be reworded from a positive to a negative statement and the variance not granted.

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district, and is not created by an action or actions of the property owner or the Applicant because: **The oversized lot land itself to which was not additional or the site created by the Applicant.** _____;
2. That granting of the variance will not adversely affect the rights of adjacent property owners or residents because **of the low traffic volume and substantial screening fence provided.** _____;
3. That strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application because **it would severely limit the security of the Applicant's business and the visual protection of the neighbors.** _____;
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare because **the variance requested is to increase security and visual protection of the neighbors.** _____;
5. That granting the variance desired will not be opposed to the general spirit and intent of these regulations because **the ZIR are designed to improve the quality of business and protect the value of property.** _____;

CONDITIONS:

1. **Variance is only granted if the I-1 Industrial District is approved by the Governing Body.** _____

2. **The fence must be built and operational not later than March 4, 2016** _____

3. _____

Cc: (Applicant)

ST. JOHN CITY PLANNING COMMISSION

PUBLIC HEARING TO CONSIDER ADOPTION OF AN AMENDMENT TO THE ZONING REGULATIONS FOR THE CITY OF ST. JOHN, KANSAS

September 26, 2016

Jo Carol Hudson, Chairperson, presiding

- A. Announce agenda item, time and open public hearing.
- B. Call on Secretary to confirm the validity of the public notice.
- C. Call on Zoning Administrator for presentation of proposed amendment to the political campaign sign subsection of the zoning regulations as may be necessary and answer questions of the Planning Commission.
- D. Open meeting to public for comments and questions and to receive any communications from the Secretary.
- E. Close public portion of hearing and confine discussion to the Commission
- F. Discuss comments and consider any amendment(s) to the proposed amendment.
- G. Suggested motion:

I, Carl Behr move that the proposed amendment to the Zoning Regulations of the City of St. John, Kansas for placement of political signs be adopted and that it be recommended to the Governing Body for approval by Ordinance #1040 and effectuated by publication. Seconded by Easi Macias. No Discussion. Motion Passed 4-0. Alvin Rodermal absent.

- H. Announce date, time and place to be considered by the Governing Body.
- I. Call for motion to close the public hearing.

Note: Amendments must be adopted by a majority vote of the total membership of the Planning Commission.

ORDINANCE #1040

AN ORDINANCE AMENDING THE ZONING REGULATIONS OF THE CITY OF ST. JOHN, KANSAS AS ORIGINALLY ADOPTED BY ORDINANCE NO. 1007, AND INCORPORATING AS A PART THEREOF AN AMENDMENT TO SECTION 7-103 PERTAINING TO THE MAXIMUM SIZE AND LOCATION FOR POLITICAL CAMPAIGN SIGNS.

THAT WHEREAS ON December 6, 2011, the City of St. John, Kansas enacted Ordinance No. 1007, which Ordinance was duly published and which provided for the adoption of and incorporation there in of certain Zoning Regulations for said City, official copies of same being on file with the City Clerk; and

WHEREAS, the Planning Commission of the City of St. John, Kansas has prior hereto and after giving due notice held a public hearing on September 26, 2016 and made certain recommendation for an amendment as contained herein; and

WHEREAS, the Governing Body of the City of St. John, Kansas desires to approve such amendment to the Zoning Regulations in accordance therein;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ST. JOHN, KANSAS:

Section 1. That Section 103A8 of Article 7 pertaining to political campaign signs is hereby deleted and replace with the following wording:

8. Political campaign signs, not exceeding six square feet in gross surface area, which are displayed on private property and, notwithstanding the regulations imposed by any other provisions of these regulations, on the unpaved, i.e., unimproved portion of any City street or County road right of way. In such unpaved right of way location, and part of such signs must be set back from any corner intersection at least 15 feet in City streets and at least 20 feet in County roads when measured from the edge of each direction of the intersecting pavement or improved surfaces. In addition, all such signs along the right of way must be set back at least five feet from any paved or unpaved roadway. All such signs in the above designated right of way location must have the permission of the adjacent property owner(s). (Note: No such signs are allowed in the right of way of state highways or township roads.) Such signs may be placed on the above property during the 45-

day period prior to any election and removed within the two day period following any such election. (Note: See the applicable zoning district in Section 7-104 for political advertising signs as billboards where permitted on private property, but not in the rights of way.)

Section 2. Any provisions of this Ordinance which shall be declared to be unconstitutional or otherwise invalid shall not affect the validity and authority of the other sections of this Ordinance.

Section 3. This Ordinance shall take effect from and after its publication once in the official city newspaper.

PASSED BY THE GOVERNING BODY of the City of St. John, Kansas on October 4, 2016.

APPROVED BY THE MAYOR on October 4, 2016

(SEAL)

Bobby Stimatze, Mayor

ATTEST:

LaDona S Garcia, City Clerk

EXAMPLE OF STAFFORD COUNTY FEE SCHEDULE.

ZONING FEE SCHEDULE
ADOPTED JANUARY 20, 2016

Section 2. That the following fees are hereby established for the purpose of wholly or partially defraying costs of proceedings before the Stafford County/Hudson Joint Board of Zoning Appeals for appeals from the determination of the Zoning Administrator, variances and conditional uses:

Appeals	- \$ 150.00
Variance	- \$ 150.00
Conditional Use	- \$ 150.00

If notifications have been given for an appeal, variance or conditional use and the applicant requests a deferral of the hearing, the applicant will be charged the direct cost of renotification.

Section 3. That the following fees are hereby established for the purpose of wholly or partially defraying costs of administration and enforcement under the Zoning Regulations of Stafford County/Hudson, Kansas for various permits and certificates:

Zoning Permits and Occupancy Certificates

Principle Structure or Use	- \$ 50.00 *
Accessory Structure or Use	- \$ 35.00 *
Sign Only	- \$ 20.00 *
Portable Sign – 30 Days or less	- \$ 10.00
Portable Sign – Annual	- \$ 50.00 per year or 10.00 per month for remaining months in calendar year
Service Charge for Redeeming Illegally Placed Portable Sign	- \$ 50.00
Temporary Permit (Nonprofit Recycling Collection Center, small or large, temporary permit required, but no fee charged.)	- No Charge

* This fee is not separately required if an application is concurrently made and a fee paid for a Building Permit. When an application for a permit is concurrently made for any combination of principle, accessory or sign structures or uses, the highest fee applicable to any one of the structures or uses will apply. If a permit is not approved, the fee will be returned to the applicant.

If there is a failure to apply for a zoning permit prior to commencing the construction, structural alteration, enlargement or moving of a structure or the establishment, change to another, extension or enlargement of a use which upon investigation would otherwise have been permitted by the joint Zoning Regulations, there shall be an investigation charge added to the above permit fee which doubles the cost of the fee.

EXAMPLE OF STAFFORD COUNTY FEE SCHEDULE.

RESOLUTION NO.

A RESOLUTION ESTABLISHING A FEE SCHEDULE FOR CHARGES FOR PROCEEDINGS GOVERNED BY THE JOING ZONING REGULATIONS OF THE CITY OF HUDSON, KANSAS.

WHEREAS, the City of Hudson has jointly adopted Zoning Regulations with Stafford County, Kansas, which create the need for a fee schedule to wholly or partially defray the costs for administration and enforcement of such regulations: and

WHEREAS, the City is authorized pursuant to K.S.A. 12-757 (a) to establish reasonable fees to be paid in advance by the owner of any property at the time of making application for a zoning amendment: and

WHEREAS, the City is authorized pursuant to K.S.A. 12-759 (a) to establish a scale of reasonable fees to be paid in advance by applicants for cases heard by the Board of Zoning Appeals.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HUDSON, KANSAS:

Section 1. That the following fees are hereby established for the purpose of wholly or partially defraying costs for proceedings under the joint Zoning Regulations of Stafford County/Hudson, Kansas for amendments to zoning district classifications and for special use applications:

Amendment to District Classification - \$ 175.00

Special Use Application - \$ 175.00 *

* If an amendment to a district classification and a special use application are concurrently processed for the same zoning lot, only one fee is to be charged which would be the higher of the two fees listed.

If notifications have been given for an amendment to a district classification or a special use application and the applicant requests a deferral of the hearing, the applicant will be charged the direct cost of renotification.