Harvey County Court House – Community Room

July 11, 2017

* Meeting Called to Order at 7 p.m. by Chair Lynne Vigil. Members present were Lynne Vigil, Phil Kimerer, Jack Bender, Duane Miles, Mike Koehn, Pat Wendling, Carol Buller, and Trinity Muth. Wayne Alison was not present. Also attending were Zoning Director Gina Bell and Secretary Karen Jacobs
* Guests:, Zoe Drury – Westar, Katie Walbridge-Westar, Homer Unruh –Westar, Kathleen Unruh-Westar, LeAnn Clark-Whitetail, Stan Clark-Whitetail, Frances Neufeld-Whitetail, Bonnie Hogan-Whitetail, Paul Mullet – Whitetail, Dan Garber- Whitetail, Kathy Stucky – Whitetail, Edward Dalke – Whitetail, Luke Logan – Whitetail, Frank Gaeddert – Whitetail, Darrin Hiebert – Whitetail and Karen Hiebert – Whitetail.
* **Agenda was approved with a motion by Buller and second by Miles. Voting was unanimous. Voting in favor of agenda approval was Muth, Wendling, Koehn, Bender, Kimerer, Buller and Miles. Chair Vigil did not vote- choosing to vote only if needed to break a tie.**
* Chair Vigil called for a motion to table the Minutes from June 6, 2017 due to the fact they were left out of the packet that was sent to board. Muth made the motion to table the minutes to the Aug. 2017 meeting. Buller seconded the motion. **The motion carried with a 4-3 vote.** **Voting Aye was Muth, Wendling, Koehn, and Buller. Voting Nay was Bender, Kimerer and Miles.**
* **Westar CUP 17-3 23100 U.S. Hwy 50** – Bell gave her staff report on the application stating that Westar Energy was looking to put a sub-station at 23100 U.S. Hwy 50. She said she had received one call on the application from the neighbors who oppose the sub-station. She told the board she recommends approving the application. Katie Walbridge with Westar told the board that the new substation would improve reliability, update the system and improve service for those in Burrton and the surrounding area. She said the new substation would directly tie to Hutchinson and Halstead helping those areas in case of storms or if work needed to be done. She said reliability in Burrton has been an issue and this will address that. Westar will own about 17 acres of which the substation will cover 5 acres. The rest of the area will be green space. Start date is in the fall with completion in 2019. Current landowner Homer Unruh spoke saying he was for the project but wanted to make sure grading was done to divert water towards the highway and not into his field. Walbridge said Westar is in the process of getting approval from KDOT to run their drainage into the ditches on Highway 50. She said they are working to make sure drainage is done correctly. Kimerer said he had concerns because KDOT may not give them permission. Walbridge assured him that they had a back up plan and would have retention ponds if KDOT does not let them drain into the ditches. Zoe Drury with Westar said at this point all conversations with KDOT have been very positive.
* **A motion was made by Bender to approve CUP 17-3 23100 U.S. Highway 50 – Westar. Miles seconded the motion. The vote was unanimous with Muth, Wendling, Koehn, Bender, Kimerer, Buller and Miles all voting in favor.**
* **Whitetail Addition Preliminary Plat – 8524 W. Dutch** – Bell gave her staff report. She reminded everyone that last month they passed the zoning change to Residential Single Family – RS. She said it passed with two nays (Wendling and Bender). The commissioners also passed the rezoning. The zoning passed in the commission with a vote of 2-1. Bell went through the check list to make sure everything was on the preliminary plat that was needed and all supporting paperwork was included. Bell made notes of all corrections that needed to be made. Many concerns were brought up including easements and drainage. Also of great concern by the board was water and sewer. Bender asked if it was an issue to have individual entrances for each of the lots on Mission Road. Bell said no it wasn’t. She had talked to the township and they preferred to have individual entrances. She said the township’s wishes are priority over the comprehensive plan since they are the ones who own and maintain the roads.

The water line that runs through lot 4 was of concern. This line connects to two wells that once were used for a heat pump system for the home located on lot 1. Dan Garber with Garber surveying said they are planning to have a private easement contract once the lots are sold. Paul Mullet who currently owns the property said those wells are no longer being used for that purpose. The home on lot 1 is on rural water for drinking.

Kimerer asked if lot 6 was unbuildable. Bell said yes it is unbuildable due to flooding. Kimerer asked how they were planning to sell that lot. Garber suggested the lot was not unbuildable if you built a pad above base flood elevation and built up the drive way. Garber said they do not want a restriction of no building on that lot. Bell said as a flood plain manager she did not agree. She pointed out the issues and said any type of building on the lot would be a problem. Garber suggested that property could be used for hunting or farming.

Sewers were discussed and Stan Clark, neighbor and Darren Hiebert, neighbor said they did not want a community sewer. They preferred the lots had individual sewer systems. Both said they approve of the covenants for the sub-division and are willing to work with Mullet on the sub-division. Garber said they did not plan to do a community sewer system. The plan is to do individual systems. Bell was asked what type of systems would there need to be? She responded that until a soil test could be done she could not say.

Luke Logan spoke and said only two more access roads would be needed on Mission Road as there was already one for lot 4. He was concerned with the size of the easement on lot 4 and how much of the property it would take up.

Concerns with water were also brought up. The Hieberts are still using a well for drinking water. The Clarks have went to rural water due to high nitrates. Muth was concerned if they were using all the rural water rights for the sub-division. He was concerned if 5 meters were all that could be added to the system. He did not want to approve the sub-division and leave the Hieberts without an option for water if they began having problems with their well.

The question was also brought up to Bell if lot 6 could be eliminated in the vote? She said she would need to try to find that information.

**Wendling made a motion to table the preliminary plat for Whitetail Addition at 8524 W. Dutch Ave. until the August meeting so they could have more information on whether they can exclude lot 6 from their approval, make sure water was feasible and know what type of sewer system would be needed. Koehn seconded the motion. The motion passed unanimously. Voting to table the motion was Muth, Wendling, Koehn, Bender, Kimerer, Buller, and Miles.**

* **Muth – CUP 17-4 7727 NE 36th – Muth** excused himself from the board for this application. Bell told the board that Muth had applied to have a zombie hunt using paint ball guns on his property. This is be in conjunction with his neighbor’s corn maze and pumpkin patch. Bell said her suggestion is to review after one year. At this time the business will only be run in the fall. Muth said he has done due diligence on this project. He said his partners and him have started an LLC. He said after looking into this, it is a very popular activity around the nation. He said Harvey County is loosing out on tax dollars as people are going elsewhere for such entertainment. He said the nearest zombie hunt is in Butler County. Muth has talked to all the neighbors and they are all on board with his plan. He has addressed all safety issues and is in the process of acquiring insurance. The township is aware of his plan as well. He has plans for parking as well. They have a website kansaszombiehunters.com. He said they even have plans for a possible handicap accessible hunt. Muth said he plans to open the hunts on Sept. 29.

**Koehn made a motion to approve CUP17-4 – 7727 NE 36th Muth with the condition that it be reviewed next year. Buller seconded the motion. The vote passed unanimously. Voting for the conditional use permit were Wendling, Koehn, Bender, Kimerer, Buller and Miles. Muth abstained from voting.**

* In administrator update- Bell said they may have something to report next month on the quarter/quarter rule. She said Wendling, Kimerer and Miles are doing a good job. She said the calls on the plat are still coming in. Also getting some building permits after harvest.
* No old business
* No new business
* **Miles made a motion to adjourn the meeting and seconded by Kimerer. Motion passed unanimously. With Muth, Wendling, Koehn, Bender, Kimerer, Buller and Miles voting in favor.**