

**BOARD OF COUNTY COMMISSIONERS  
MONTGOMERY COUNTY, KANSAS  
OFFICIAL MINUTES**

June 23, 2014

The Board of County Commissioners, three members and the County Clerk present, met in regular session at 9:00 AM.

**CALL TO ORDER:** Commissioner Brown.

**INVOCATION:** Reverend Francis Aeschliman, The Wesleyan Church, Independence

**PLEDGE OF ALLEGIANCE:** Commissioner McManus.

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**AGENDA APPROVAL:**

**ACTION:** *A motion was made by Commissioner Rau to approve the agenda as amended.. The motion was seconded by Commissioner McManus.*

*ROLL CALL VOTE - Commissioner Brown - Yes  
Commissioner McManus – Yes  
Commissioner Rau - Yes*

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**MONTGOMERY COUNTY ZONING REGULATIONS – PUBLIC HEARING:**

The Chairman recessed the regular meeting to open the Public Hearing for the amendments to the Montgomery County Zoning Regulations as approved for submission to the Board of County Commissioners by the Montgomery County Planning and Zoning Board.

The amendments relate to regulations for Recreational Vehicle Parks (Article #4 – new section) and Land Usage Grid (Article 10). Planning and Zoning Administrator Scott Barnhart explained the these regulations only apply to the three-mile area already zoned outside of the incorporated city limits of Independence.

There being no public input in the Public Hearing and after discussion between the Board members and Planning and Zoning Administrator Scott Barnhart, the Hearing was closed by the Chairman and returned to regular session.

The amendments and action by the Board of County Commissioners are as follows:

**Recreational Vehicle Parks:**

**ACTION:**

*A RESOLUTION AMENDING ARTICLE 4 OF THE ZONING REGULATIONS OF MONTGOMERY COUNTY, KANSAS AND REPEALING ANY AND ALL RESOLUTIONS IN CONFLICT HEREWITH.*

*BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MONTGOMERY COUNTY, KANSAS:*

*Section 1. Article 4 (District Regulations) of the Zoning Regulations of Montgomery County, Kansas, be and is hereby amended to add a new Section 12, as follows:*

**12. RECREATIONAL VEHICLE (RV) PARKS:**

A. **Intent:** This use is intended to provide commercial rental parking spaces and sites for recreational vehicles (RV's) or travel trailers as defined in Article 11, Section 3 of the Montgomery County Zoning Regulations. Such regulations are to assure reasonable standards for the development of facilities for the occupancy of RV's and travel trailers on a temporary basis, ranging from short overnight stays to longer destination-type stays of days to weeks. All RV parks within Montgomery County, Kansas shall be governed by the following regulations:

1. Design Standards for Recreational Vehicle (RV) Parks.

a. *Minimum Park Area.* The minimum size of an RV Park shall be five (5) acres.

- b. *Rental Space size.* Minimum rental space size for those spaces having utility hookups shall be one thousand five hundred (1,500) square feet. Minimum rental space size for those spaces not having hookups shall be nine hundred (900) square feet. Minimum rental space size shall not include any

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area required for access roads, off-street parking, service buildings, recreation areas, office and similar RV park needs.

- c. *Rental Pads.* A minimum of eighty percent (80%) of all spaces shall be equipped with surfaced area not less than ten feet (10') by forty feet (40'), containing hookups for water, sewer and electricity. Surfacing shall consist of gravel, asphalt or concrete. Where gravel surfacing is used, the design of the gravel pad shall be approved by a designated Montgomery County Public Works official to maintain proper drainage and minimize dust. Where provided, each RV unit shall be parked entirely on the surfaced area so that no part thereof obstructs any roadway or walkway within the RV park. Those spaces not equipped with such surfaced area, shall be designated solely for the pitching of tents and not having any self-contained toilets, lavatory and/or bathing facilities. Each rental pad shall be identified in respect to its assigned location by way of conspicuously designated signage.
- d. *Setback Requirements.* Each rental space shall meet the following setback requirements:
  - 1. Fifty feet (50') when abutting a State or Federal highway or local major arterial;
  - 2. Twenty-five feet (25') when abutting a public right of way other than those listed in a. above;
  - 3. Fifteen feet (15') when abutting any property line other than a. or b. above;
  - 4. There shall be a minimum distance of sixteen feet (16') between RV units parked side by side;
  - 5. There shall be a minimum distance of sixteen feet (16') between RV units parked end to end;
  - 6. There shall be a minimum distance of twenty feet (20') between any RV space and any building.
- e. *Streets.* Streets or roadways and parking areas within the RV park shall be designated to provide safe and convenient access to all spaces and to facilities for common use by the park's occupants, and shall be constructed and maintained to allow free movement of emergency and service vehicles at all times, and shall be graded to drain and surfaced with gravel, asphalt or concrete. Road designs shall be reviewed and approved by the Director of Montgomery County Public Works. All interior roadways shall be designed with at least a thirty feet (30') width for two-way traffic, and at least fifteen feet (15') width for one-way traffic. A forty feet (40') turning radius shall be required on all curves to allow access by emergency vehicles. Road grades shall not exceed six percent (6%) and any bridges within the park shall have a capacity of not less than sixteen (16) tons. Access into the park from a public street shall meet the same design standards as those of the public street, for a distance of not less than forty feet (40') from the property line into the development. All roadways and walkways within the park shall be provided with adequate lighting to afford safe access.
- f. *Frontage.* All spaces shall have a minimum frontage of twenty feet (20') along an interior roadway.
- g. *Sanitary facilities.* Every RV park shall provide one or more service buildings equipped with flush toilets, lavatories, showers, and laundry facilities meeting minimum state installation standards. Such facilities shall be conveniently located and kept clean, sanitary and maintained in good working order. Such facilities shall be adequately lighted at all times of day or night and shall be well ventilated. Portable fire extinguishers, of the approved type and sizing, shall be provided and maintained in operating condition.
- h. *Sanitary disposal stations.* If sanitary "dump" stations are provided, each station shall:
  - 1. Consist of a drainage basin constructed of impervious materials, be water tight, contain a disposal hatch and self-closing cover, and related washing facilities. Self-closing covers must provide appropriations sufficient to dissuade persons from entering/falling into any subterranean regions utilized for the storage and/or disposal of sewage.
  - 2. The disposal hatch of sanitation "dump" stations shall either be connected to the park's sewage disposal system or to a non-discharging state certified vessel designed as for storing domestic wastewater pending contractual services to remove and transport its contents at a proper off-site disposal area.
  - 3. Each sanitary "dump" station shall have a sign posted stating "DANGER-NOT TO BE USED FOR DRINKING OR DOMESTIC PURPOSES."
  - 4. Sanitary "dumping" stations shall be approved by the local jurisdictional authority.
- i. *Utilities.* All utilities shall be placed underground.
  - 1. Water supply. An accessible water supply system shall be designed, constructed and maintained in compliance with State of Kansas Department of Health & Environment (KDH&E) Public

Water Supply Systems minimum standards. All plans and specifications shall be submitted with the zoning or re-zoning application. Each rental space equipped with sewer and electrical hookups shall also be equipped with two water outlets, to provide connection for the RV and a garden hose. All other spaces shall be equipped with one water outlet.

2. Sanitary sewer. A minimum of eighty percent (80%) of all rental spaces shall be equipped with a hookup to a public sewage disposal system or other approved holding facilities by way of a

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branch line and riser pipe at least four inches (4") inside diameter. The riser pipe shall be capped with a watertight device when not in use. Sanitary sewage systems shall be installed in compliance with KDHE minimum design standards.

3. Electricity. A minimum of eighty percent (80%) of all rental spaces shall be equipped with an electrical outlet supplying power that has been installed in accordance with the National Electric Code (NEC) standards.
- j. *Refuse disposal.* The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions. All refuse shall be stored in durable, washable and nonabsorbent metal or plastic containers with tight fitting lids. Adequate refuse collection and removal must be performed by professional service providers and deposited into a KDHE permitted landfill facility.
- k. *Open Space.* Open space for common areas, playgrounds, and other similar recreational uses, shall be provided at the rate of at least ten percent (10%) of the gross area of the RV park. The size and distribution of such open space, shall be sufficient in serving as a functional part of the entire development plan. Open space shall not include any areas designated as a roadway, RV rental space, storage area, swimming pool, for pet-related activities, yard areas associated with a caretaker's or manager's residence, and/or setbacks as set forth in Section A.
- l. *Fire protection.* A site and fire protection plan must be submitted, reviewed and approved by the local jurisdictional fire authority.
- m. *Fires.* Fires shall be made only in stoves and other equipment listed, advertised or acquired in design for such intended purposes and stored in safe and convenient locations where they will not constitute fire hazards to vegetation, undergrowth, trees and RV's. No open burning or fires shall be permitted or allowed.
- n. *Structural additions.* Temporary structures such as canvas awnings, screened enclosures, platforms, etc. which are normal camping equipment, may be erected but must be removed when the rental space is vacated. No other structural additions shall be erected/built onto or become part of the RV.
- o. *Storage sheds.* No storage sheds, being permanent or temporary shall be allowed within a RV rental space.
- p. *Tents.* Tents shall be permitted and limited to one tent per rental space. Group tent camping may be established, but only in the event that the area is served by: (1) More than one water outlet; (2) Restroom facilities within three hundred feet (300') from the designated group camping site; and (3) Adequate off street parking spaces. In addition, no tents shall be permitted or allowed in any designated open space area(s).
- q. 17. *Registration of Occupants.* It shall be the responsibility of the RV park's owner or manager to keep a current record of the names and addresses of the occupants in each RV space, the make, model, year and license number of each RV and motor vehicle by which it is towed, the state, territory or country issuing such licenses, and the arrival and departure dates of each occupant. Such records must be made

available, upon request, to all appropriate agencies whose duties permit inspection thereof.

- r. *Swimming Pools.* Any swimming and/or wading pools must be adequately maintained in a manner so as to provide the relative enjoyment and safety to the

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park's occupants. Fencing of such pools shall be as required by local building and life-safety codes.

- s. *Other.*

1. Those RV parks allowing for the occupancy of pets shall provide sufficient areas for animals to urinate and defecate their bodily wastes. Such wastes shall not create conditions that are attractants to insects or other factors for imposing nuisances. The manner in which to sustain the area's sanitary conditions shall be the responsibility of the RV park owner or manager. Such areas shall be in addition to the RV park's open space requirements as specified in Section 11.
2. All fuel gas storage shall be the responsibility of the RV park owner or manager to insure safe conditions are maintained at all times therein the RV park.

- t. *Storm Refuge.* Service buildings shall be constructed so as to afford limited shelter from threatening weather conditions. Any such buildings are to be designed and constructed to meet or exceed formulated climatic basic wind speeds and snow loads associated with the geographical location.

**B. Means to Approve:** An RV park may be established only in districts where they are permitted in accordance with the Montgomery County Land Usage Grid. Upon application for establishment of an RV park, the Planning Commission shall consider the following factors and make a recommendation for approval or disapproval to the Governing Body:

1. Whether the site is in compliance with sound planning principles;
2. Whether the RV park would conflict with other land use in the area; and
3. Whether the site plan provides and complies with the design standards set forth in Amendment VI-Section A of the Montgomery County Zoning Regulations.
4. In addition to any other forms or documents required to be completed by an applicant for rezoning under the Montgomery County Zoning Regulations, an applicant for an RV park, or expansion of an RV park shall provide the following documents with the application:
  - a. Location and widths of roadways and any applicable walkways;
  - b. Typical street cross sections;
  - c. Topography of site, at two foot (2') contours;
  - d. Grading and drainage plans;
  - e. Utility plans;
  - f. Legal description of property including acreage;
  - g. Fire protection plan;
  - h. Copy of deed and title insurance policy or title commitment;
  - i. Location and description of all permanent structures and common facilities;
  - j. Acreage and percentage of land set aside as open space;
  - k. Density of RV rental spaces per acre;
  - l. Location of all areas subject to the inundation or storm water overflow, including the 100 year floodplain boundaries;

- m. Vicinity map drawn to scale of 1"= 1000 ft. or 1" = 5,000 ft;
- n. Proposed surface treatment and design of all interior roadways and rental pads;
- o. A time schedule for development;

- 5. Application and zoning/rezoning fee(s) for public hearing publication and notifications; and

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- 6. Any other documents reasonably requested by the Montgomery County Planning Administrator.

*Motion by Commissioner McManus, seconded by Commissioner Rau.*

ADOPTED THIS 23rd day of June 2014.

*ROLL CALL VOTE – Commissioner Brown - Yes  
 Commissioner McManus – Yes  
 Commissioner Rau - Yes*

RES. NO. 14-90

**Land Grid Use (Article 10):**

**ACTION:**

*A RESOLUTION AMENDING ARTICLE 10 OF THE ZONING REGULATIONS OF MONTGOMERY COUNTY, KANSAS AND REPEALING ANY AND ALL RESOLUTIONS IN CONFLICT HEREWITH.*

*BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MONTGOMERY COUNTY, KANSAS:*

**DATED** at Independence, Montgomery County, Kansas this 23<sup>rd</sup> day of June, 2014.

**WHEREAS: ARTICLE 10**

**ADMINISTRATION**

**1. OFFICE OF THE ZONING ADMINISTRATOR:**

- A. **Authorization:** A Zoning Administrator shall be appointed by the County Commissioners and shall be responsible for the enforcement of these regulations.
- B. **Duties of the Zoning Administrator:** The Zoning Administrator shall enforce these regulations and in addition thereto and in furtherance of said authority, he shall:
  - (1) Approve and issue all zoning permits and make and maintain records thereof.
  - (2) Evaluate all applications for zoning permits for compliance with all applicable provisions of the zoning regulations, including but not limited to the District Regulations set forth in Article 4 hereof.
  - (3) Receive, file, and forward to the Board of Zoning Appeals the records in all appeals under the jurisdiction of such Board.
  - (4) Receive, file, and forward to the Planning Commission the records in all conditional use, variances, zoning amendments, and any other matter properly coming before such Commission.
  - (5) Maintain permanent and current records of the zoning regulations including, but not limited to, all zoning maps, amendments, conditional uses, variances, appeals and applications thereof and records of hearing thereon.
  - (6) Maintain for distribution to the public a supply of copies of the zoning map or maps, the compiled text of the zoning regulations, and the rules of the Board of Zoning Appeals.

**2. Zoning Certificates:**

A. Zoning Certificates: Unless a zoning certificate shall first have been obtained from the Office of the Zoning Administrator:

- (1) The construction of any structure shall not be commenced and;
- (2) The improvement of land preliminary to any use of such land shall not be commenced.

Any zoning certificate issued in conflict with the provisions of these regulations shall be null and void.

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**B. Application for Zoning Certificate:** Every application for a zoning certificate shall include at least the following:

- (1) A common address and legal description of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, according to the recorded plat of such land.
- (2) A general description of the proposed improvement(s) and/or structure(s) to be constructed on the piece or parcel.
- (3) A completed zoning certification application on forms to be provided by the Zoning Administrator.

C. **Issuance of Zoning Certificate:** A zoning certificate shall be either issued or refused by the Zoning Administrator within ten (10) days after the receipt of an application or within such additional period as may be agreed to by the applicant. No zoning certificate shall be issued unless all the zoning requirements of this resolution are met. The failure or refusal of the Zoning Administrator to issue a zoning certificate within the prescribed time shall not be construed as approval of the certificate.

D. **Period of Validity:** A zoning certificate shall become null and void one (1) year after the issuance date unless within such one (1) year period construction of the authorized improvement or structure is commenced, or the authorized use is commence

### **3. PENALTIES - PROPERTY OWNER, AGENT OR TENANT:**

A. **Enforcement Procedures:** The Zoning Administrator shall levy a fine for any violation of any provision of the Montgomery County Zoning Regulations against any owner, agent of owner or tenant. Any violation of any provision of the Montgomery County Zoning Regulations shall be deemed punishable by a fine not to exceed \$1,000.00 for each offense and each day's violation shall constitute a separate offense. If the property use or violation is not ceased within the time set forth by the Zoning Administrator, the Zoning Administrator may issue an order directing that the present use be ceased until all penalties have been paid. In addition thereto, the County Attorney or County Counselor or any other person designated by the Board of County Commissioners may institute injunctive or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, use or to correct or abate such violation or to prevent occupancy of such building, structure or land.

B. **Unpaid Penalties:** Unpaid penalties may be collected by filing an action in any court of competent jurisdiction for the purpose of enforcing the provisions of the resolutions adopting the Montgomery County Zoning Regulations. Unless prohibited by state law, the Zoning Administrator may certify the unpaid penalties to the Montgomery County Treasurer, together with the legal description of the property where the proposed violation has occurred, and such unpaid penalties shall constitute an assessment on the property and shall be collected in the same manner as ad valorem property

Section 3. Except as amended by this Resolution, the remaining provisions of the Zoning Regulations shall remain in force and effect.

Motion by Commissioner McManus, seconded by Commissioner Brown.

ADOPTED THIS \_\_\_\_\_ 23rd \_\_\_\_\_ day of June \_\_\_\_\_ 2014.

*ROLL CALL VOTE – Commissioner Brown - Yes*  
*Commissioner McManus – Yes*  
*Commissioner Rau - No*

RES. NO. 14-91



**COMPUTER DEPARTMENT – PURCHASES OF SWITCHES:**

Computer Department Director Jason Clubine met with the Board to present quoted prices for nine (9) switches to be purchased for the offices. The quotes are as follows:

Computer Generation, Independence, KS	\$2,448.00
CDW, Chicago, ILL	\$2,394.52
Global Gov	\$2,160.00

Mr. Clubine recommended Global Gov with the low bid of \$2,160.00. The following action was taken:

**ACTION:** *A motion was made by Commissioner Rau to accept the low bid of \$2,160.00 from Global Gov. for the purchase of nine (9) switches to be debited from General Capital Outlay Fund for use by the Computer Department. Motion was seconded by Commissioner McManus.*

*ROLL CALL VOTE – Commissioner Brown - Yes  
Commissioner McManus – Yes  
Commissioner Rau - Yes*

*RES. NO. 14-92*

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**MONTGOMERY COUNTY CONSERVATION DISTRICT – 2015 BUDGET REQUEST:**

Ms. Desiree Swanson and Mr. Doug Blex , representing the Montgomery County Conservation District, presented the 2015 Budget request for the District. No action was taken at this time.

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**MONTGOMERY COUNTY RURAL FIRE DISTRICT NO. 1 – EQUIPMENT PURCHASE:**

Darren Felts, Montgomery County Rural Fire District No. 1 Fire Chief, met with the Board to request approval to purchase 27 pagers and one (1) drip torch from Davis Communications, Bartlett, KS in the amount of \$8,126.00. These will be purchased with a 50/50 Forestry Grant. The following action was taken:

**ACTION:** *A motion was made by Commissioner Rau to approve the purchase of 27 pagers and one (1) drip torch from Davis Communications, Bartlett, KS in the amount of \$8,126.00 for MCRF#1. The Forestry Grant to be used for these purchases is a 50/50 county match grant and the matching funds required will be paid by Montgomery County Rural Fire District No. 1. Motion seconded by Commissioner McManus.*

*ROLL CALL VOTE – Commissioner Brown - Yes  
Commissioner McManus – Yes  
Commissioner Rau - Yes*

*RES. NO. 14-93*

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**Recessed at 9:55 AM.  
Returned at 10:00 AM.**

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**PUBLIC WORKS:**

Public Works Coordinator Robert Bever presented the weekly written report. The following items were discussed:

1. Signature required on Change of Status Report – Six month probation period –
2. May 2014 Rock Report -
3. Reported on memo to Micky Webb regarding repairing Cement Street –
4. Pictures and quotes from Cook, Flatt & Strobel regarding observation and recommendation for replacing/repairing a retaining wall and box on Olive Street, North of Cherryvale -
5. Special Bridge – Fractural Critical Bridge Inspection at a cost between \$3,400 and \$16,400 per bridge with two (2) bridges on the critical list -

6. Sewer District #2 – Spreadsheet of Sewer District No. 2 accounts that are needing amounts written off or refunded –
7. Discussed GIS Department budget –

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**MONTGOMERY COUNTY BUDGET 2015 – LARRY WRIGHT:**

Larry Wright and County Clerk were present to discuss the 2015 finalization with the Board. No decision was made at this time.

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**OTHER COUNTY BUSINESS:**

1. Executive Session – Board of County Commissioners on Non-elected personnel –

**ACTION:** *A motion was made by Commissioner Brown to recess to Executive Session at 10:20 AM to return at 10:50 AM with the Board present to discuss non-elected personnel. Motion was seconded by Commissioner McManus.*

*ROLL CALL VOTE – Commissioner Brown - Yes  
Commissioner McManus – Yes*

*Commissioner Rau - Yes*

Returned to session at 10:50 AM stating no decisions made and no action taken.

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**ADJOURNMENT: 10:30 AM**

**ACTION:** *Motion by Commissioner Rau, seconded by Commissioner McManus.*

*ROLL CALL VOTE - Commissioner Brown - Yes  
Commissioner McManus – Yes  
Commissioner Rau - Yes*

**BOARD OF COUNTY COMMISSIONERS  
MONTGOMERY COUNTY, KANSAS**

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**FRED BROWN, Chairman**

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**LARRY McMANUS, Member**

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**LEON RAU, Member**

**ATTEST:**

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**County Clerk**