

Approved

Ivan Sand
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by REPRESENTATIVE IVAN SAND at
Chairperson

1:30 ~~xxx~~ a.m./p.m. on MARCH 27, 1984 in room 521-S of the Capitol.

All members were present except: ALL PRESENT

Committee staff present: Theresa Kiernan, Revisor of Statutes Office
Gloria Leonhard, Secretary to the Committee

Conferees appearing before the committee:

Mr. Barry Hokenson, Planning Director, Jo.Co., Ks., SB 715
Ms. Gerry Ray, representing Jo.Co. Board of Commissioners, SB 715

Chairman, Ivan Sand, called for possible action on the following Senate Bills:

SB 464, concerning the redemption of real property sold for delinquent taxes; - By Committee on Ways and Means

It was suggested that if the provisions of the bill are good for cities, then perhaps the same should be done for counties.

Theresa Kiernan, Staff, stated that the language "or counties" could be inserted wherever the legislation is limited to cities thereby causing the legislation to apply to counties also.

Representative W. Edgar Moore distributed copies of an article describing problems incurred by special assessment projects. (See Attachment I.)

Representative George R. Dean made a motion to amend SB 464 to include counties. Representative Elizabeth Baker seconded the motion.

Discussion followed. The definition of "homestead" within a city was clarified to be one acre.

It was noted that Johnson County could be deleted from the bill if necessary. Ms. Gerry Ray, representing the Board of County Commissioners of Johnson County, expressed Johnson County's strong desire to be left in the bill and stated that they support the proposed amendment.

Theresa Kiernan, Staff, referred to Page 2 of SB 464, Lines 54 through 60, and pointed out that the wording could be misleading regarding amending 79-2004; that another section should be added to the bill for clarification.

Representative George R. Dean agreed that the amendment proposed by Staff should be included in his original motion to amend. Representative Elizabeth Baker agreed to second the motion.

Chairman Sand called for a vote on the motion to accept the conceptual amendments to SB 464 which would include counties in the bill and would add a section to the bill for clarification.

The motion to amend carried with Representative W. Edgar Moore being recorded as voting "No."

Representative George R. Dean moved and Representative Elizabeth Baker seconded the motion that SB 464 be passed as **amended**. Motion carried with Representative W. Edgar Moore being recorded as voting "No."

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,

room 521-S, Statehouse, at 1:30 ~~xxx~~ p.m. on MARCH 27, 1984

SB 710, concerning counties; relating to the awarding of certain contracts; - By Senator Mulich

Mr. Fred Allen appeared to propose an amendment to SB 710 by amending K.S.A. 68-521 by increasing the dollar amount for the estimated cost of road improvements from \$500 to \$5,000. Allen pointed out that K.S.A. 19-214 and 68-521 apply to the same subject.

Theresa Kiernan, Staff, stated that a small title change would be needed for this type of change in the bill.

Discussion followed. The language of the bill was analyzed to determine if its intent was for original construction projects or if it might also apply to remodeling projects inside buildings.

Representative Arthur W. Douville made a motion that the amendment changing the dollar amount from \$500 to \$5,000 in 68-521 be approved. Representative Dorothy N. Nichols seconded the motion.

Representative Darrel M. Webb made a substitute motion to table SB 710. Representative Mary Jane Johnson seconded the motion.

Discussion followed.

Representative Darrel M. Webb withdrew his substitute motion to table SB 710. Representative Mary Jane Johnson approved.

Discussion followed.

Representative Kenneth D. Francisco made a substitute motion to add the word "original" before the word "language" on Line 25 and wherever applicable in the bill. Representative L. V. Roper seconded the motion.

Discussion followed.

Representative Kenneth D. Francisco withdrew his motion to add the word "original." Representative L. V. Roper approved.

Chairman Sand called for a vote on Representative Arthur W. Douville's motion to amend the bill. Motion carried.

Representative Elizabeth Baker made a motion to further amend the bill by changing \$20,000 to \$15,000 and \$5,000 to \$1,000. The motion died for lack of a second.

Representative L. V. Fry moved and Representative Kenneth D. Francisco seconded that SB 710 be passed. Motion carried.

SB 715, concerning planning and zoning in urban areas. - By Committee on Local Government

Chairman Sand reminded the Committee that Amendment #1 to SB 715 had been approved on March 21, 1984. (See Attachment II.)

The Committee considered Amendment #2. Representative Steve Schweiker made a motion to approve Amendment #2. (See Attachment III.) Representative W. Edgar Moore seconded the motion.

Mr. Barry Hokenson, Johnson County Planning Director, presented an "addition" to Amendment #2. (See Attachment IV.)

Theresa Kiernan, Staff, asked if the "addition" is intended to replace proposed Amendment #2. Hokenson clarified that it is an addition to Amendment #2, not intended to replace it.

A question was raised as to why the Board of Zoning Appeals is needed if decisions are to be made by the County Commission anyway.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,
room 521-S, Statehouse, at 1:30 ~~xxx~~ a.m./p.m. on MARCH 27, 1984

The necessity of having a zoning board in order to qualify for certain Federal and State grants was noted.

It was pointed out that the final authority will be in the courts.

Representative George R. Dean made a motion that the "addition" proposed by Hokenson be incorporated into Amendment #2. The motion failed for lack of a second.

Chairman Sand called for a vote on Representative Schweiker's motion to approve Amendment #2. Motion carried.

Representative George R. Dean moved and Representative Darrel M. Webb seconded that the "addition" to Amendment #2 as proposed by Mr. Hokenson be approved. Motion failed.

The Committee considered Revised Amendment #3.

Theresa Kiernan, Staff, advised the Committee to disregard original Amendment #3 and explained added language in Revised Amendment #3.
(See Attachment V.)

Representative LeRoy Fry moved and Representative Steve Schweiker seconded that Revised Amendment #3 be accepted.

Representative Steve Schweiker made a substitute motion to reduce the number of board members to four and then include the new Section 3 (Revised Amendment #3) making five members. Representative L. V. Roper seconded the motion. Motion carried.

The Committee considered Revised Amendment #4.

Theresa Kiernan, Staff, explained added language in Revised Amendment #4.
(See Attachment VI.)

Mr. Barry Hokenson pointed out that the change in the Amendment makes for a more cumbersome situation as townships would have to vote on consolidation.

Representative Kenneth D. Francisco moved and Representative Don M. Rezac seconded that Revised Amendment #4 be accepted. Motion carried.

The Committee considered Amendment #5. (See Attachment VII.)

Ms. Gerry Ray, representing Johnson County, stated that if the authority for dealing with non-conforming uses is taken away, it will cause many problems.

Mr. Hokenson pointed out that agricultural uses are protected elsewhere in the bill and that this is a provision afforded to 22 other counties; that Johnson County is trying to get the same authority as they have.

It was noted that Representative David Webb had requested this amendment.

Representative Kenneth D. Francisco moved and Representative L. V. Roper seconded that Amendment #5 be accepted.

Representative George R. Dean made a substitute motion to pass the bill as amended, excluding Amendment #5. Representative Darrel M. Webb seconded the motion. The vote was "8-For", "11-Against." Motion Failed.

Chairman Sand called for a vote on Representative Francisco's motion to accept Amendment #5 to SB 715. Representative L. V. Roper seconded the motion. Motion carried.

Representative W. Edgar Moore moved and Representative Robert S. Wunsch seconded that SB 715 be passed as amended. Motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT,
room 521-S, Statehouse, at 1:30 ~~a.m.~~^{p.m.} on MARCH 27, 1984

Chairman Sand informed the Committee that this will be the last working meeting for the Committee this Session and thanked Committee members for their co-operation.

The Chairman stated that copies of minutes for Committee meetings of March 26, 1984, and March 27, 1984, will be sent to each member and that if no additions or corrections are reported to the Chairman, they will be considered approved.

Meeting adjourned.

Suit seeks delay of paving

By GEORGE B. PYLE

Daily News Reporter

A new lawsuit seeking to block an Olathe city street paving project has a familiar look, but a different site.

Some three years ago, a landowner on Ridgeview Road who felt the city of Olathe was planning to bill him too much for a street project sued, blocking that work for two years.

Last week, a landowner on Blackbob Road who also feels the city is trying to bill him too much for a street project sued, asking the court to block the project unless the city agrees to reduce his bill.

In both cases, the roads to be paved ran by the site of a new junior high school. On Ridgeview, it was Indian Trail Junior High. On Blackbob, it is to be Frontier Trail Junior High, a project set to begin construction this year and open in 1986.

Charles Wise, 12209 Blackbob, sued the city last week to prevent it from billing him an estimated \$203,000 to pave Blackbob in front of his property. The assessment was to be part of a \$1.2 million project to pave three-quarters of a mile of that street, starting at 127th Street.

Wise says the bill he is to get for that project is unreasonable, and out of balance to the benefit his 40 acres of mostly vacant land will receive from a 36-foot-wide paved street.

The suit, filed in Johnson County District Court, also claims that the city at large should be paying some of the street costs, as Blackbob is designated as a major street on the city's plans.

City commissioners voted to create the Blackbob project in February, and to bill all of the cost to landowners along that road. They did so largely because the Fox Ridge housing subdivision had already paid its share of a street to win plat approval, and homeowners there were tired of a dirt road.

The city action was to bill each property equally based on the length of its frontage along the road. Wise claims the percentages figured by the city are not really equal.

Steve Hansen, city engineer, said the percentages are equal. He said the way Wise has presented figures does not take into account the fact that land taken up by streets, in Fox Ridge and elsewhere, cannot be billed, while all of Wise's unplatted land can be.

Officials said Friday they were not sure if the new lawsuit would stop construction, or if it only affects the city's power to bill for it afterward.

"We really haven't sat down and looked at it enough to know," said Tom Glinstra, Olathe city attorney. "It depends on how the case is structured and how soon we can get it resolved."

He said he could not discuss the case further until he has an opportunity to review it in private with city commissioners, probably early next month.

Wise's attorney, Eugene Hackler, could not be reached for comment Friday.

Bills for such street projects are not sent out until the work is done and actual costs are known. When projects are created, all figures are estimates.

This is why I think that the owners of suit property should have 3 years to save his property.
W. Edgar Moore
District 16

PROPOSED AMENDMENTS TO SENATE BILL NO. 715
(As Amended by Senate Committee)

On page 1, in line 40, by striking "and"; in line 41, by striking "who" and inserting ". Nine of such"; in line 41, before "county", by inserting "unincorporated area of the"

(Amendment #1 -- Adopted 3/21/84)

(ATTACHMENT II)

PROPOSED AMENDMENTS TO SENATE BILL NO. 715
(As Amended by Senate Committee)

On page 19, in line 706, by striking all after the period;
by striking all in lines 707 through 709;

On page 20, by striking all in lines 710 through 737 and
inserting a new paragraph as follows:

"Any person, official or governmental agency dissatisfied
with any order or determination of the board of zoning appeals
may bring an action in the district court of the county to
determine the reasonableness of any such order or determination."

Also on page 20, in line 738, before "The", by inserting
"(c)";

(Amendment #2 -- Adopted 3/27/84)

(ATTACHMENT III)

Addition to Amendment #2

The board of county commissioners may review decisions of the board of zoning appeals and may overturn any decision which the board of county commissioners deems contrary to any regulations adopted under the provisions of this act. (Retain general procedures set forth in lines 0706-0741 except that lines 0706-0708 and 0733-0737 may need to be revised for consistency with the above amendment.)

(Presented 3/27/84 but not adopted.)

(ATTACHMENT IV)

PROPOSED AMENDMENTS TO SENATE BILL NO. 715
(As Amended by Senate Committee)

On page 1, in line 33, following "of", by inserting "(1)";
in line 35, following "county", by inserting "and (2) the
township trustee of each township in the county if the trustee
gives written consent to serve on the zoning board. If the
trustee fails to give consent to serve on the zoning board, the
board of county commissioners shall appoint a resident of such
township to serve in the trustee's place."

(Revised Amendment #3 -- Adopted 3/27/84)

(ATTACHMENT V)

PROPOSED AMENDMENTS TO SENATE BILL NO. 715
(As Amended by Senate Committee)

On page 1, in line 33, following "of", by inserting "(1)";
in line 35, following "county", by inserting "and (2) the
township trustee of each township in the county"

(Original Amendment #3 -- Presented 3/21/84.)

(PART OF ATTACHMENT V)

PROPOSED AMENDMENTS TO SENATE BILL NO. 715
(As Amended by Senate Committee)

On page 3, following line 107, by inserting a new paragraph as follows:

"Such resolution shall be published once each week for two consecutive weeks in the official county newspaper. If, within 30 days after the last publication, a petition signed by not less than 5% of the qualified electors of the townships which zoning boards are proposed to be consolidated is filed with the county election officer requesting an election thereon no consolidated zoning board shall be appointed unless the question is submitted to and approved by a majority of the qualified electors of such townships voting at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. If the question is approved, the consolidated board shall be consolidated as provided by this section."

(Revised Amendment #4 -- Adopted 3/27/84)

(ATTACHMENT VI)

PROPOSED AMENDMENTS TO SENATE BILL NO. 715
(As Amended by Senate Committee)

On page 3, following line 107, by inserting a new paragraph as follows:

"Such resolution shall be published once each week for two consecutive weeks in the official county newspaper. If, within 30 days after the last publication, a petition signed by not less than 5% of the qualified electors of the county is filed with the county election officer requesting an election thereon no consolidated zoning board shall be appointed unless the question is submitted to and approved by a majority of the qualified electors of the county ^{voting} ~~visiting~~ at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. If the question is approved, the consolidated board shall be appointed as provided by this section."

(Original Amendment #4 -- Presented 3/21/84.)

(PART OF ATTACHMENT VI)

PROPOSED AMENDMENTS TO SENATE BILL NO. 715
(As Amended by Senate Committee)

On page 13, in line 451, by striking the comma; by striking
all in line 452; in line 453, by striking all before the period;

(Amendment #5 -- Adopted 3/27/84)

(ATTACHMENT VII)