

**LOUISBURG CITY COUNCIL  
REGULAR MEETING  
JUNE 20, 2023  
6:30 P.M.**

Livestream link:

<https://boxcast.tv/view/regular-meeting-of-the-louisburg-city-council-tx4cwmbni9hsibuq1mu5>

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ADOPT AGENDA
4. APPROVE MINUTES - of the June 5, 2023, meeting
5. APPROVAL OF BILLS
6. RECOGNITION OF SCHEDULED VISITORS
  - A. James Auth – vicious dog ordinance
7. PUBLIC COMMENTS: Persons who wish to address the Mayor and City Council regarding items not on the agenda may do so at this time. Speakers will be limited to three (3) minutes. Any presentation is for informational purposes only. Please state your name and address.
8. DEPARTMENT REPORTS
  - Finance – Investment Bids  
HR Update
  - Public Works – Contract Vacuum Excavator
9. CITY ATTORNEY’S REPORT
10. MAYOR’S REPORT
11. ADMINISTRATOR’S REPORT
  - A. Senior Center Parking Lot
  - B. Text Amendment – Highway Overlay District
  - C. Special Use Permit - Amended

D. Master Plan Review – Continued

E. Executive Session – Non-Elected Personnel

12. COUNCIL/COMMISSION REPORTS

13. ADJOURNMENT

**CITY OF LOUISBURG, KANSAS  
MINUTES OF REGULAR MEETING  
JUNE 5, 2023**

Livestream link:

<https://boxcast.tv/view/regular-meeting-of-louisburg-city-council-cn9sex3enkf1rblrrwip>

The Council of the City of Louisburg, Kansas, met at 6:30 p.m. in regular session in the City Hall Council Chambers. Mayor Donna Cook presiding.

Council Members Steve Town, Scott Margrave, Tiffany Ellison, Clint Ernst and TJ Williams  
City Administrator Nathan Law  
City Clerk  
Finance Director Richard Mikesic  
Police Chief Josh Weber  
Fire Chief Gerald Rittinghouse  
Communications Coordinator/Recording Secretary Jean Carder  
Public Works Supervisor Craig Hufferd  
City Attorney Mary Stephenson

**PLEDGE OF ALLEGIANCE**

Councilmember Clint Ernst led the pledge of allegiance.

**APPROVAL OF CONSENT AGENDA**

Mayor Cook said she would like move item 5, approval of the minutes, and item 6, approval of the bills, above item 4. Councilmember TJ Williams moved, seconded by Councilmember Ernst and passed 5-0, to approve the amended agenda.

Councilmember Tiffany Ellison moved, seconded by Councilmember Steve Town and passed 5-0, to approve the May 15, 2023, minutes.

Councilmember Town moved, seconded by Williams and passed 5-0, to approve the minutes of the special council meetings of May 24, 2023, and May 30, 2023.

Councilmember Ellison moved, seconded by Ernst and passed 5-0, to approve the bills as presented.

### **MAY 20 FOLLOW-UP**

Mayor Cook opened the discussion of the special event scheduled for May 20 at Bub's Bar and Grill. She said she appreciated all those in attendance who would like to speak their opinion and be involved in an open dialogue with the Governing Body. On behalf of the Council, Mayor Cook said the Governing Body appreciates all local businesses and all they do for the community. She provided the Governing Body's expectations for the upcoming discussion. With the number of guests in attendance, she said each speaker will be limited to three minutes for those who have signed up to speak. She also asked those in attendance to refrain from cheers or applause, refrain from profanity, do not call out from the audience and be courteous to all.

Mayor Cook invited the first speaker to the podium.

Paul Scruggs, who owns property on Broadway in downtown Louisburg, addressed the audience. He came to voice his support for the city and first responders. He also supports the riders and what they were trying to do. He has an issue with the lack of communication with him as a business owner for using his property located on Broadway without his knowledge. He asked how we got here and thinks it is a lack of communication and planning. He doesn't have any issues against anyone, just does not appreciate the lack of communication.

Jamie Sratos, Basehor, Kan., read a prepared statement. She said she is a volunteer with this group and has never experienced this type of situation in the past. She told how many toys have been donated and others this group has supported. She asked why the police chief attended the event in civilian clothes and without a body camera. She said that reasonable people will not stay where they are not wanted. She hopes this never happens in the future. She doesn't know if this is revenge against the bar or profiling of bikers.

Debra Ross, Kansas City, Kan., said she is speaking partly on behalf of Michael Bergen, organizer of the toy drive that was to occur that afternoon. She is concerned with Chief Weber's actions and said that his actions caused safety concerns for hundreds of bikers. Since that day, she has spoken with two KDOT representatives who said the approval could have been granted if requested by city

staff. She said the group was misled from police about the permit requirements from Bub's. She said the riders would like a public apology from Chief Weber.

Loretta Times, Edwardsville, said she agrees with previous statements.

Michael Bergen, Night Run organizer, said he has been organizing these rides for 26 years with 51 rides. This year marks their 29<sup>th</sup> year with Hands to Heart and the bike runs keeps that charity established. He said Louisburg has been a stop on previous rides. He said sometimes the run stops at the same place year after year and other times he will change it up so the run stays fun for the participants and they continue to donate the toys that go to about 11,000 kids in a year. He had heard the story about Bub's and the person for whom the bar is named and decided this would be a good place to come. After arriving at the event, he said he was told the bar owner did not have the proper permits. What should have happened, he said, was police should have worked with the Night Train organizers to arrive at a solution for the parking problem. He said they could have made \$5,000 on the auction table and by leaving early, another \$5,000 was lost. He said other communities were able to stop traffic on the highway to assist them. He is disappointed and unhappy with the police chief. He would appreciate an apology. Bergen said he is not mad at the council or citizens and pledged his support to provide assistance in the future should local families need help.

Dawn Ralle, owner of Bub's Bar & Grill, said apparently there was a line drawn last year. She read the oath required of Kansas police officers. She said the police chief violated every single word of the oath. She is asking the council to release him from his duties as he is incapable of carrying out his duties. She said was not required to have a permit at her grand opening. She said Mayor Cook previously told her that a biker bar would not be allowed in this town. She said Nathan Law wanted the American flag to be removed from in front of her business because it offended people. Law said this conversation came about last year about when streamers, pennants and other items were being hung from the handrail including an American flag. Mayor Cook clarified that the flag was allowed to stay. Law said yes, the problem were the pennants strung from the building to the handrail and other signs attached to the handrail that the owner was asked to remove. Councilmember Ellison noted that attaching items to the handrail could pose a safety concern. Ralle said that council members and city staff have slandered her staff and son. She is not a biker bar but is a veteran bar.

Christine Bergen said would like to understand the reference to the snow fence from the May 15 council meeting where Police Chief Weber suggested a snow fence be used at the event but the special event application was approved without the snow fence. She said many riders weren't allowed to get the wristbands. She said none of their runs had ever been this chaotic. She said Chief Weber asked that Michael Bergen to call him that afternoon and that citations would be issued for parking issues and bikes would be towed. She said Weber was rude until a second officer with a body camera came to the scene. She said they help many groups and the police chief cost them a lot of donations.

Mayor Cook asked if the council would like to address any of this. Councilmember Ernst said he is a veteran and knows other military personnel who have been killed in the line of duty and others who have taken their lives. He said in the year and a half that he has been on council he has never heard a statement that the city is against the bar. He would not let that happen. Councilmember Town stated his dad was in the Marine Corp and has taught him priorities, goals and to stand up for what you believe in. He agrees with Ernst in that he has never heard any negative talk from any council member or anyone in the community about Bub's Bar & Grill.

Councilmember Ellison said her brother is a Navy vet and said it doesn't matter if it is a veterans' bar or a biker bar we are not discriminating. She would like to address some of the questions raised by the speakers but will wait on others.

Councilmember Williams said the council needs to talk about items discussed in regard with parking and the perimeters and figure out if there was miscommunication.

Mayor Cook said she thinks the No. 1 problem is miscommunication.

Michael Bergen said in the past this has been smooth and when the event started at Timbercreek Restaurant & Bar the motorcycles would leave via Metcalf Road because of graduation ending at the same time and a large amount of traffic using Amity at the same time.

Councilmember Ellison asked Chief Weber if he would clarify the situation and provide a time stamp of the events as they unfolded. She said the body cam footage shows the entire conversation with Weber and Michael Bergen. Weber provided the following timeline information:

April 28 - Rachael turns in first application at city hall. The application was reviewed immediately and returned as Rachael stated the information was incorrect.

May 11 - Chief Weber reaches out to Rachael and gives deadline of May 12<sup>th</sup> at noon for the application.

May 12<sup>th</sup> - Rachael turns in incomplete permit (missing pages 2 and 4 of 5). Chief reached out to Rachael. Rachael and Cody meet with Law and Weber May 12<sup>th</sup> 1330 hrs.

May 15 - Weber updates city council at meeting

May 20 -

Weber stops by at 1510. Nothing is set up and stops armed security about no firearms.

1514 - Security puts gun in car and 1515 Weber leaves area to check K-68 advanced warnings.

1531 - Weber returns only tents set up

1533 - 1<sup>st</sup> barricade is erected by Cody at First Option Bnk

1534 to 1537 - Weber contacts Dawn in front of Bub's

1542 - Vehicles still driving in front of Bub's on Broadway

1544 - Leave area to speak with officers

1545 to 1551 - Speak with Debra Ross

1552 - Dawn approaches me in the area of 2<sup>nd</sup> and Peoria speak less than 1 min

1554 - Meet with Officers

1602 to 1606 - Jenifer approaches and speaks with me

1606 - Small group of motorcycles arrive at Peoria lot

1606 - Weber leaves to get uniform and firearm

1620 - Weber returns behind group of cycles

1623 - Weber is approached by Michael Bergen

1636 - Michael let his person know “We will be cutting out of here soon”

1641 - Michael leaves conversation while I was attempting to call to get permission to close K-68

1643 - Weber tells Debra to say LPD will assist them with traffic control

1644 - Debra and Michael’s numbers are written down

1645 - Debra states this is not the first time we have left bars early and Weber assigns units to assist with traffic control. The conversation with Debra is concluded.

1647 - Officers make it to patrol units to assist with traffic

1649 to 1654 - Officers arrive at intersection to provide traffic and block K-68

1654 - Officers clear call

1656 - Weber returns to the area of Bub’s Bar to take photos

1702 - Weber is done with photos and speaks to bikers still in Peoria lot

1709 - Weber clears

1805 - Weber returns to the area to check that it is returned to normal. Tents still up in street on both Broadway and on First St. but did not see any obvious open consumption and clears

1910 - Weber returns to area and area is back to normal other than some Bub’s signs and trash

Ellison said she doesn’t think anyone has viewed the footage as much as she has. She said there is additional security footage from the area that shows the location that should have been fenced off but was not. Ellison said the video she watched on Bub’s Facebook page was not what was approved. The music trailer was not located in the area it was supposed to be in and was located on private property. She said permission had not been granted to use that area. There was also traffic in the area where there was not supposed to be traffic. These steps were approved and



required for the safety of riders and anyone else who attended the event. The main goal, Ellison said, was to make sure event attendees were safe and that our community was safe. Ellison said there is video that shows people inside the roped off area with firearms and that is also not allowed.

Michael Bergen said the City should have contacted KDOT about closing part of Amity for the event. Discussion occurred. Ernst said there were more motorcycles in attendance than expected, and the City probably could have done a better job of getting motorcycles in and out of town. Ernst said Chief Weber was recently hired by the City and was highly regarded in his previous role. Ernst said this event has provided everyone with lessons learned, including downtown might not be big enough for this type of event, and would like to see the event return next year for a more successful outcome.

Audience member and new Louisburg resident Greg Smith suggested that the difference between what happened at Timbercreek and Bub's needs to be figured out so this can be successful in the future. Cook said the hope is to get all the groups together to figure out where the communication broke down. Town noted that one of the big differences is when the event occurred at Timbercreek that is private property.

Audience member Dan Smith said he is a biker and also has a security business that works with the local law enforcement agency. He supports both groups.

Audience member Shelly Trustor said she lost her brother to a motorcycle accident and shame on the city for putting these bikers at risk.

Chief Weber invited Michael Bergen to come into the office to watch the video and have a conversation about the event.

Administrator Law said there are two options from KDOT for road closures; one is permits could be pulled and signage allowed for, the other is it could be treated like a parade. Neither of those conversations happened and the city has to give approval for that. Law said lessons learned include to have a potential highway road closure as part of the special event permit.

Chris Bergen said there were 308 registered motorcycles as part of the event.

Mary Stephenson said she has only been city attorney since March but was city attorney when the special event application process was approved. Her recommendation is to never approve anything that is within 30 days of an event as

is stipulated as part of the permit. She said in this situation everyone was trying to be accommodating to get the details worked out so the event could occur.

Mayor Cook ended the discussion by thanking those in attendance and said the Governing Body values the opinions of its residents.

At 8:20 p.m. Ellison moved, Williams seconded and passed 5-0, to recess for 5 minutes.

The meeting resumed at 8:20.

### **PUBLIC COMMENTS**

Drew Siebert, downtown Broadway business owner, asked that as council evaluates the special event application that thought might go into the expectation of contacting neighboring business owners. He pointed out that in a multi-tenant business there may need to be clarification about who is contacted.

### **DEPARTMENT REPORTS**

**Fire** – no report

**Public Works** – no report

**Police** – Chief Weber thanked the governing body for taking time out of a regular meeting to make this a better situation. He also thanked the community for its support.

Weber asked the council to consider the purchase of tasers using a level payment over 5 years as recommended by the Finance Department. Numbers of tasers needed are based on current inventory. All equipment includes a 5-year warranty. Ernst asked if this is within budget. Law said it is not which is why we are looking at level payments. Weber's recommendation is to go with option 2 as provided in prior email communication to council. Instructors would need to be recertified this year regardless of a taser purchase. Training costs can be included with the certification. Ellison asked what the life expectancy are of the units. Weber said 5-7 years. Ernst asked when they could be available for use. Weber said July and training would happen shortly thereafter. Ernst moved, seconded by Ellison and

passed 5-0, to allow Police Department to enter into a contract for new tasers with Option 2.

Weber said two candidates have been given conditional offers.

**City Attorney** – no report

## **MAYOR'S REPORT**

Mayor Cook said there will not be a quorum at the July 3 meeting and would like to move it to Wednesday, July 5. Cook asked staff to notify the appropriate persons. Cook asked about the number of deck chairs at the pool. Discussion occurred. Council asked staff to communicate that patrons can bring their own lawn chairs to the pool. Law said the Park & Tree Board could discuss adding additional chairs. Ernst asked about the slides not working. Craig Hufferd, public works supervisor, said the pumps did not work after the pool was filled even though they were working prior to that. Parts are being ordered to make repairs.

## **ADMINISTRATIVE REPORT**

**Stormwater Projects – Construction Oversight** – Law provided background and asked if Council wants to move forward with Olson or get bids. Ernst said he likes the fact that Olson is the engineer and knows what is going on. He doesn't think if another firm came in with a lower price that it might not end up being a lower price once they got up to speed on the project. Town moved, Williams seconded and motion passed 5-0, to use Olson as construction observation.

**Council Budget Priorities** – Ernst asked Law to provide a project list so there is no overlap or any projects don't get extended to future years. Law will send out a project list tomorrow.

**Realtor Services** – Law said it is up to council if they would like to continue the contract with Doug Bowes of Keller Williams to sell the properties located just west of Metcalf on the south side Amity. Law said the Planning Commission is currently discussing changes to the Highway Overlay District, which may impact this property. Mayor Cook said she would prefer not to renew at this time and to consider if selling the property is the best option at this time. Doug Bowes said two potential buyers wanted the property to be zoned commercial. It might be

beneficial to rezone it to commercial if Council decides to list it again, he said. Williams moved, seconded by Town and passed 5-0, to initiate the process to rezone the city-owned property on Amity to commercial.

**Master Plan Review** – Ellison asked about wayfinding and gateway signage. Law explained about the gateway arch being a design element that could be carried out in other locations. Cook asked that wayfinding signs be added to the Planning Commission agenda. Town asked about entrance signs to city and if they need to be replaced. Law said they are fairly new.

## **COUNCIL REPORTS**

**Williams** – He asked about the advertising in the Kansas Tourism magazine ad. Cook said there are six guaranteed businesses that would like to be included. Since we signed up for the early bird rate, we have until Aug to get the eight advertisers.

**Ernst** – He asked about Metcalf 2.0 at The Lake and who maintains the property along the trail. Law said the expectation is that property owners will maintain that. Ernst said tonight was a tough situation but everyone did a fine job and thanked everyone.

**Ellison** – She asked about the new stoplight timing at S. Fifth & Metcalf. Hufferd said it was on a timer at first but is now camera-based. She asked about the curbs and when they might be complete. Hufferd said all curb work should be done with asphalt coming sometime after June 20. She thanked staff for their efforts over the past few weeks.

**Margrave** – He said he is thankful, grateful and happy to be a Louisburg resident. He said he has no reason to think Staff and Council would not want an event to be successful. He said it is important going forward to be sure to hear both sides of any situation. He is thankful for those folks who come to speak. We are a democracy, and they have every right to come speak.

**Town** – He asked if there was anything in the Metcalf 2.0 walk-thru that showed any discrepancies. Law said no but there still is a disagreement with a property owner and county. Town said he agrees with other councilmembers' sentiments regarding Staff response to the May 20 special event.

**ADJOURNMENT**

At 9:27 p.m. Williams moved, and Margrave seconded and passed 5-0, to adjourn the meeting.

Approved:

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Donna Cook, Mayor

Attest:

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Jean Carder, recording secretary

## BILLS LIST 6-20-2023

ACHEY, NATHANIEL	150.00	RESTITUTION 23TR00044 - COURT
ADP, INC	359.35	PAYROLL SERVICES
ADVANCED ICE MACHINE	260.00	SERVICE OF POOL ICE MACHINE
AFLAC INS	927.88	INSURANCE
BOND KELLY	684.00	TUITION REIMBURSEMENT
BRETT SILANCE	150.00	CREMATION, OPEN/CLOSE-SATURDAY
BUTTRON, CARRIE	100.00	DEPOSIT REFUND - FOX HALL
CONNECT IT SOLUTIONS	1,329.95	COMPUTER SERVICES - ADMIN
CONTINENTAL LINE STRIPING	319.84	MISC SUPPLIES FOR SHOP - PWD
CORE & MAIN	849.20	STORM WATER PIPE
CUTSHAW, JILL	100.00	DEPOSIT REFUND - FOX HALL
DAYCO PAINTING, INC.	82,965.00	POOL PAINTING
ELLIOTT INSURANCE INC	1,223.00	AMENDED EXPOSURES FROM AUDIT
EVANS, JOHN P	109.67	PAYROLL
G-B CONSTRUCTION	1,664.05	FIX MANHOLE - STREETS
GOLLADAY, STACEY	100.00	DEPOSIT REFUND - FOX HALL
GROUNDKEEPERS LLC	4,000.00	5 CEMETERY MOWS
HEARTLAND COCA COLA	1,614.57	CONCESSIONS - POOL
HYDRO KLEAN	7,872.62	ANNUAL SEWER CLEAN/CAMERA
JOHN DEERE FINANCIAL	1,754.37	GRASS SEED/SPRAY NOZZLE/MISC
KNEIBLER, MAGGIE	100.00	DEPOSIT REFUND - FOX HALL
LANCASTER JAMES	1,000.00	FLIP - RESIDENTIAL
LONG TERRY	185.00	ROLLING DOOR REPAIR - POOL
LOUISBURG ATHLETIC CLUB	162.50	MEMBERSHIPS
LOUISBURG FORD	49,877.53	NEW 2023 F350 - PWD
LOUISBURG MUNICIPAL UTILITIES	1,560.12	CITY UTILITIES
MARIE WIEDENMANN	250.00	HEADSHOTS - ADMIN
MO-KAN DIAL, INC.	1,387.09	TELEPHONE/INTERNET SERVICES
NATIONAL SIGN CO INC	968.39	LOCATES FLAGS - WATER & GAS
NUTT II, BRIAN	26.28	REIMBURSEMENT - BUG SPRAY
OCCUPATIONAL HEALTH	432.00	PRE-EMPLOYMENT PHYSICAL - PD
O'REILLY AUTO PARTS	263.91	WIPER BLADES/TRUCK LIGHTS-PWD
PRICE CHOPPER	240.41	POOL CONCESS/SPECIAL MTG/MISC
QUADIENT FINANCE USA INC	300.00	POSTAGE
ROBINETT, DIANE	100.00	DEPOSIT REFUND - FOX HALL
ROMANS OUTDOOR POWER	794.85	MOWER PARTS - PARKS
RURAL WATER DISTRICT #2	67.37	WATER - PARKS
SCHENDEL PEST SERVICES	448.67	MOLE CONTROL - LEWIS YOUNG
SELF, IVY	125.00	DEPOSIT REFUND - FOX HALL
STAPLES ADVANTAGE	180.07	OFFICE SUPPLIES - ADMIN, PD
SUMNER ONE	135.00	COPIER CONTRACT - POLICE
TERRY, JULIE	100.00	DEPOSIT REFUND - FOX HALL
TRI COUNTY PEST CONTROL	725.00	PEST CONTROL - POOL

UNIVERSITY OF KANSAS	250.00	CONTINUING ED - WWTP CERT
USA BLUE BOOK	1,469.04	PUMPS FOR CHEMICAL POOLS
VERIZON	1,231.31	CELLULAR - ALL
VISION SERVICE PLAN	1,016.62	VISION INSURANCE - ALL
WAYNE'S PLUMBING	458.00	BATHROOM REPAIRS - POOL
WESTPORT POOLS	14,390.00	VFD,CHEMICAL FEED,WINTERIZE
WEX BANK	5,633.23	FUEL - ALL
WHITE'S AUTOMOTIVE	95.00	TIRE REPAIR - WWTP
<b>CLAIMS TOTAL</b>	<b>190,505.89</b>	

## Contract Vacuum Excavator

**To:** Mayor and City Council

**From:** Craig Hufferd, Public Works Supervisor

**Date:** June 15, 2023

**Re:** Contract New Lead and Copper Rule and Vacuum Excavator

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### **Approved with the 2023 annual budget \$85,000**

Contract estimate for 1900 meters is \$80 per meter

- 1900 x \$80 = \$152,000
- 950 x \$80 = \$76,000

These prices are estimates, and this project will be sent out as an RFP. The RFP will be sent out for 1900 meters with the option of reducing to 950 meters if approved by KDHE.

### **Recommendation:**

**2023 – Hire company to start checking meter pits and use as much of the \$85,000 budget money as possible.**

**2024 – Budget another \$85,000 to cover the remaining work that may be needed to complete the new Lead and Copper Rule.**

**2025 – Budget for a new Vacuum Excavator for Public Works**



# Memo

To: Louisburg Governing Body

From: Nathan Law

Date: June 15, 2023

Re: Senior Center Request

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**Background:** As a part of the Metcalf 2.0 project, Miami County obtained temporary construction easements for access to project areas from the property side. The parking lot of the Senior Center has some structural failures that are not proven to be caused by the project, but that exist all the same. The Senior Center is seeking City assistance with the repairs needed to the parking lot.

**Financial Consideration:** Unknown at this time.

**Legal Consideration:** None at this time.

**Recommendation:** Discuss desire to assist Senior Center with parking lot repairs funding and direct staff accordingly.



**To:** Louisburg Governing Body

**From:** City Staff

**Date:** June 15, 2023

**Re:** Highway Overlay District update

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At recent Planning Commission meetings, members have been reviewing the "HC-O" Kansas 68 Highway Overlay District. The original text called for a 50-ft front yard setback and 15-ft side yard setback. After making modifications to the Overlay District, the commission conducted a public hearing at its May meeting to make changes to that overlay district. During the meeting, a discussion with a business owner within that district resulted in one additional change to the language the Planning Commission had previously drafted. This change allowed for side yard setbacks to also match the underlying Zoning District.

Legal: Cost of publication

Recommendation: Approve the changes to the HC-O Kansas 68 Highway Overland District has recommended by the Planning Commission

**TEXT AMENDMENT 23003-TXA**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING THE 2010 LOUISBURG CITY ZONING REGULATIONS, ARTICLE 5 “HC-O” HIGHWAY K-68 CORRIDOR OVERLAY DISTRICT, SECTION 516, PARAGRAPH 3A, 3B, AND PARAGRAPH 6.

WHEREAS, the Louisburg Planning Commission conducted a public hearing to amend language in the “HC-O” Highway K-68 Corridor Overlay District.

WHEREAS, said public hearing was conducted pursuant to K.S.A. 12-741 et seq, as amended, following published notification; and

WHEREAS, the Louisburg Planning Commission, has, by majority vote of all its members present, recommended that the Governing Body of the City of Louisburg, Kansas, approve said text amendment to the “HC-O” Highway K-68 Corridor Overlay District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOUISBURG, KANSAS:

SECTION 516. “HC-O: HIGHWAY K-68 CORRIDOR OVERLAY DISTRICT

3. Minimum setback and yard areas

- a. For all lots in the Overlay District which abut Highway K-68, minimum setbacks shall be:
  - 1. The required front, side, and rear yard setbacks in the underlying zoning district.
  - 3. The number of feet determined by the Zoning Administrator to be necessary to protect the projected right-of-way shown of the K-68 Corridor Management Plan (2009). Minimum setbacks shall be measured from the property line.
- b. Gasoline pumps, air and water service, canopies and other fixtures used in connection with gasoline delivery shall be located no less than twenty-five (25) feet from the property line of any abutting street.

- 6. Signage. Signage within the Overlay District shall be subject to the requirements of the underlying zoning district and shall further be limited to one (1) ground sign per street frontage not to exceed fifteen (15) feet in height. No off-site advertising signs (billboards) shall be permitted within the Overlay District. No sign shall be placed within fifteen (15) feet of any public street right-of-way.

PASSED AND APPROVED by the Governing Body this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED AND SIGNED by the Mayor.

\_\_\_\_\_  
Donna Cook, Mayor

ATTEST:

\_\_\_\_\_  
Jessica McGowin, City Clerk

(seal)

# Memo

To: Louisburg Governing Body

From: Nathan Law

Date: June 15, 2023

Re: Special Use Permit – Amendment to Ordinance 620, Case No. SP97-02 Rabbit Creek Products

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**Background:** The Planning Commission discussed a requested amendment to an existing Special Use Permit for Rabbit Creek, to allow for placement of a high tunnel greenhouse structure. The resulting recommendation requires City Council confirmation and approval by ordinance. For this consideration the appropriate public hearing process was followed and the Planning Commission recommends Council approve the following request for Special Use Permit:

Case No. 23001-SUP – High Tunnel Greenhouse for property located at 906 N. Broadway, on a commercial property owned by Donna Cook. Provisions for this use are found in City of Louisburg Zoning Regulations of 2010, as amended, Article 6 Supplementary District Regulations, Section 602 Yard Regulations, and Article 11 Amendments. This SUP is to authorize the placement of a not to exceed 2,160 square foot accessory structure known as a high tunnel greenhouse.

**Financial:** All necessary fees for the application process and all other associated costs have been paid.

**Legal:** The ordinance must be published once in the official newspaper.

**Recommendation:** Consider for approval the attached ordinance for a Special Use Permit under Case No. 23001-SUP, for property located at 906 N. Broadway, and amending Ordinance 620, to allow for placement of a not to exceed 2,160 square foot accessory building known as a high tunnel greenhouse.

**SPECIAL USE PERMIT**

**CASE NO. 23001-SUP**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING ORDINANCE NO. 620, ADDING PARAGRAPH C. OF SECTION 1, GRANTING APPROVAL OF PLACEMENT OF A NOT TO EXCEED 2,160 SQUARE FOOT ACCESSORY BUILDING KNOWN AS A “HIGH TUNNEL GREENHOUSE” FOR RABBIT CREEK PRODUCTS, ORIGINAL CASE NO. SP97-02, UNDER THE AUTHORITY GRANTED BY THE CITY ZONING REGULATIONS OF 2010.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOUISBURG, KANSAS.

SECTION 1: That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law, under the authority and subject to the provisions of the City of Louisburg, Kansas, City Zoning Regulations of 2010 as amended, Section 602 Yard Regulations, Subsection B Accessory Buildings, Structures and Uses, item 5. Paragraph C, Section 1, to be added, to read as follows.

C. That a not to exceed 2,160 square foot Accessory Building known as a “High Tunnel Greenhouse” is allowed to be placed on the property as recommended by Planning Commission and approved by City Council.

SECTION 2: That this special use permit shall be valid in perpetuity for property legally described and generally located as follows:

**The South half of the South half of the West half of the Northeast Quarter of Section 30, Township 16, Range 25, Miami County, Kansas, Except the following tract:  
Beginning at a point 130 feet West of the Southeast corner of the Southwest Quarter of the Northeast Quarter of said Section 30; thence in a northeasterly direction parallel to the center line of the Kansas City, Fort Scott Shortline to the North side of the South half of the North half of the Southwest Quarter of the Northeast Quarter of said Section; thence East 8 feet; thence South to a point 45 feet West of the Southeast corner of the Southwest Quarter of the Northeast Quarter of said Section 30; thence West to the point of beginning containing .1 acre, more or less;**

**Also excepting the following tract:**

**Beginning at the Northwest corner of the Northeast Quarter of the Southeast Quarter of said Section 30, thence West 45 feet, thence Northerly to the intersection of the North and South Road 161 feet, thence South to the point of beginning, all being in Miami County, Kansas**

SECTION 3: This ordinance shall take effect and be in force from and after its adoption by the City Council and publication in the official newspaper.

PASSED and approved by the Governing Body this 20<sup>th</sup> day of June, 2023.

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Donna Cook, Mayor

ATTEST:

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Jessica McGowin, City Clerk

(seal)

# Memo

To: Louisburg Governing Body

From: Nathan Law

Date: June 15, 2023

Re: Master Planning Review Continued

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Background: Included as part of the administrative goals list is a regular review of master planning projects, goals and objectives. This is the eleventh section of the City Strategic Plan, as found within the Bright Future Comprehensive Plan.

Communicate progress on Comprehensive Plan Implementation:

1. Conduct annual Planning Commission or Council public hearing on Comp Plan implementation progress
2. Publish annual Comp Plan implementation report
3. Identify Comp Plan related actions on the agenda of Council and Planning Commission
4. Share annual reports and implementation success stories with key implementation partners

On the first item, while there was not a specific open public hearing called as part of the item, staff provides an annual comprehensive report of all the various master plan sections. The second item coincides with the first item as the comprehensive report is then published through the City website for public viewing.

On the third item, staff tries to tie items of discussion at any board or commission to appropriate long-term planning goals where appropriate.

On the last item, staff communicates with appropriate partners to discuss implementation of plan items, which includes discussion of outcomes, effectively meeting this objective.

Financial Consideration: None.

Legal Consideration: None.

Recommendation: Discuss as desired and direct accordingly.