

**LOUISBURG CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 3, 2019  
6:30 P.M.**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. CONSENT AGENDA
  - A. Adopt Agenda
  - B. Approval of Minutes of the Regular Meeting August 19, 2019
  - C. Approval of the Bills
4. RECOGNITION OF SCHEDULED VISITOR
  - A. Ann Benton – Constitution Week Proclamation
  - B. Victoria Roche – Pool Pass Request
  - C. Jennifer Leikam – Halloween on Broadway
5. 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.
6. DEPARTMENT REPORTS
7. CITY ATTORNEY’S REPORT
8. COUNCIL/COMMISSION REPORTS
9. MAYOR’S REPORT
10. ADMINISTRATOR’S REPORT
  - A. Annual STO – UPOC Ordinances
  - B. Solar Panel System Design Standards – Zoning Regulations Update
  - C. City Lake Aeration Project
11. ADJOURNMENT

**CITY OF LOUISBURG, KANSAS  
MINUTES OF REGULAR MEETING  
AUGUST 20, 2019**

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

Council Members Lee Baer, Steve Town, Sandy Harris, Thorvald McKiernan, Kalee Smith  
City Administrator Nathan Law  
City Clerk Traci Storey  
City Attorney Kelly Stohs  
Police Chief Tim Bauer  
Fire Chief Gerald Rittinghouse  
Communications Coordinator Jean Carder  
Public Works Supervisor Craig Hufferd  
Press Doug Carder

Visitors Jenny Dover, Donna Hipp, Chris Kelly, Lizbeth Phillips, Edgar Phillips, Jacob Vickery, Doug Key, Wayne Knop, Barbara Smith, Jackie Waldron, Tabitha Ames, Deborah Hardy, Shava Vohs, David Wood, John Bjorguard, Tad Geiman, Megan Endres, Jim Vallacqua, Jim Real, Barbara Melton, Jim Stewart, C.E. Purvis, Aileen Lanier, Andy Sauber, Sharon Morisey, Colt Stone, Jessica McGowin, Jeannie Percy, Bryan Sterner and representatives of Louisburg Land Holdings, LLC and MMB, LLC

**PLEDGE OF ALLEGIANCE**

Councilmember Thorvald McKiernan led the pledge of allegiance.

**APPROVAL OF CONSENT AGENDA**

Councilmember Thorvald McKiernan inquired about the Sutherland LBR & Home CTR on the bills list. City Administrator said that they had requested the City change the name on the check; staff cancelled the previous check. Councilmember Steve Town moved, seconded by Councilmember Sandy Harris and carried 5-0, to approve the consent agenda to include adoption of the agenda, approval of the August 5, 2019, minutes and bills list.

**RURAL HOUSING INCENTIVE DISTRICT PUBLIC HEARING –  
LOUISBURG LAND HOLDINGS, LLC**

City Administrator Nathan Law provided the Council with a presentation on the proposed RHIDs.

Mayor Marty Southard opened the hearing for public comment. Twenty-nine people spoke at the Public Hearing. After the public spoke, Mayor Southard invited Louisburg Land Holdings, LLC representatives to discuss their project. Mayor Southard closed the Public Hearing. The Public Hearing closed at 9:30 p.m. After Council discussion, Councilmember Thorvald McKiernan moved, seconded by Councilmember Kalee Smith and carried 5-0, to deny the RHID for the Louisburg Landing Holdings, LLC.

Mayor Southard asked for a 5-minute recess. Councilmember Thorvald McKiernan moved, seconded by Councilmember Kalee Smith and carried 5-0, to take a 5-minute recess beginning at 9:41 p.m. and to return at 9:46 p.m.

### **RURAL HOUSING INCENTIVE DISTRICT PUBLIC HEARING – MBB, LLC**

Mayor Marty Southard opened the Public Hearing at 9:46 p.m. There were no public comments. Mayor Southard invited Bob Bazin with MBB, LLC to discuss the project. After addressing the audience, Bazin requested to withdraw his proposal for the RHID. The Public Hearing closed at 10:04 p.m. With no action to be taken, Council moved to the next item.

### **DANGEROUS AND UNSAFE PROPERTY ABATEMENT PUBLIC HEARING**

Mayor Southard opened the Public Hearing at 10:04 p.m. There were no public comments. The Public Hearing was closed at 10:05 p.m. Councilmember Steve Town moved, seconded by Councilmember Sandy Harris and carried 5-0, to authorize Mayor Southard sign the Finding of Facts for property located at 108 S. Broadway. Councilmember Steve Town moved, seconded by Councilmember Thorvald McKiernan and carried 5-0, to adopt Resolution 8-19-19, condemning the structure as dangerous and unfit, and authorizing the public officer or other agents of the City to abate the dangerous and unfit structure located at 108 S. Broadway in the City of Louisburg, Kansas.

### **VISITORS**

None

### PUBLIC COMMENTS

None

### DEPARTMENT REPORTS

**Police Department:** Police Chief Tim Bauer said at the next Council meeting he would introduce a new Police Officer Candidate. The new police truck is having equipment installed this week. They are working with the State and County regarding the issues with the radios. A mobile communication unit has been set up behind the fire station and could be there for a month.

### CITY ATTORNEY'S REPORT

None

### COUNCIL REPORTS

**Councilmember Baer:** Councilmember Lee Baer said a resident that lives North on Rockville said the lights from Rockville Apartments are very bright. Administrator Law said he would have that checked.

**Councilmember McKiernan:** Councilmember Thorvald McKiernan asked to have Planning and Zoning revisit the feather signs.

Pursuant to his understanding of Robert's Rules of Order, McKiernan would like to bring motion to revoke the RHID districts, all three of them, for the next meeting. This notice allows a simple majority to decide the issue. Intending to eliminate that whole concept so that Council does not have to go through this again.

**Councilmember Harris:** Councilmember Sandy Harris thanked City Staff for all their work on the RHID.

Harris said he visited Sonic last week and agrees the noise is a problem. Police Chief Bauer said he has met with neighbors with their concern and came up with a plan to implement it.

## MAYOR'S REPORT

None

## ADMINISTRATOR'S REPORT

**Standard Traffic Ordinance:** City Administrator Nathan Law presented the Standard Traffic Ordinance. Councilmember Thorvald McKiernan asked Police Chief Bauer if there was any changes regarding UTV's on state highways. Chief Bauer said he would need time to see if anything changed. Councilmember Thorvald McKiernan moved, seconded by Councilmember Kalee Smith and carried 5-0, to table the STO and UPC Ordinances until next meeting.

**Garage Sale Moratorium:** City Administrator Law presented the garage sale moratorium ordinance. The following dates allow for garage sale signs to be posted.

September 18, 2019 – October 2, 2019  
April 8, 2020 – April 22, 2020

Councilmember Sandy Harris moved, seconded by Councilmember Thorvald McKiernan and carried 5-0, to authorize Mayor Southard to sign Ordinance 1108.

## ADJOURNMENT

At 10:21 p.m. Councilmember Sandy Harris moved, seconded by Councilmember Thorvald McKiernan and carried 5-0, to adjourn the meeting.

Approved:

---

Marty Southard, Mayor

Attest:

---

Traci Storey, City Clerk

**BILLS TO BE APPROVED 9/3/2019**

<b>VENDOR</b>	<b>AMOUNT</b>	<b>DEPARTMENT</b>
BLACK HILLS ENERGY	\$2,838.08	SERVICE CONTRACT -- GAS
BLUE CROSS/BLUE SHIELD	\$21,959.24	INSURANCE - ALL
BP	\$2,308.64	FUEL - ALL
COLEMAN EQUIPMENT, INC.	\$1,200.13	BACKHOE SERVICE - PWD
COLLINS MARY	\$50.00	DEPOSIT REFUND
CONRAD FIRE EQUIPMENT	\$298.38	EQUIPMENT - FIRE
CONTINENTAL RESEARCH	\$520.36	LARVAE KILL - PWD
CORE & MAIN	\$1,961.41	SUPPLIES - PWD
CROSSLAND HEAVY CONTRACTORS INC	\$499,482.00	WWTP PAY APPLICATION #1
EDUCATION & EMPLOYMENT	\$254.95	EDUCATIONAL MATERIALS - POLICE
ELLIOTT INSURANCE INC	\$623.00	ADDITION OF F-550
FAMILY CENTER OF PAOLA	\$248.81	SUPPLIES - PUA
FAUSS RICHARD	\$500.00	FLIP GRANT
GALLS INCORPORATED	\$76.97	EQUIPMENT - POLICE
HAYNES EQUIPMENT CO, INC	\$975.95	LAKE LIFTSTATION EQUIPMENT - SEWER
HOME DEPOT CRC	\$192.74	SUPPLIES - PWD
JJ CLEANING	\$1,000.00	CLEANING SERVICES - ADMIN, PD
JOHN DEERE FINANCIAL	\$1,112.96	EQUIPMENT - PWD
KCPL	\$11,629.71	ELECTRICITY - ALL
KNIGHT LIGHTER	\$1,462.50	HOLIDAY LIGHTING
KS DEPT HEALTH & ENVIRONMENT	\$185.00	PERMIT - SEWER
KSFFA	\$50.00	DUES - FIRE
LOUISBURG ANIMAL CLINIC	\$1,367.50	IMPOUND & DISPOSAL - POLICE
LOUISBURG ATHLETIC CLUB	\$201.00	MEMBERSHIPS - ALL
LOUISBURG CLEANERS	\$123.90	UNIFORM CLEANING - POLICE
MDC PUA	\$116,776.26	WATER
MI CO JAIL	\$640.00	PRISONER CARE - POLICE
MICRO-COMM, INC.	\$3,900.00	SCADA/WWTP - SEWER
MO-KAN DIAL, INC.	\$1,427.50	TELEPHONE - ALL
NATE APPLE CONCRETE, INC.	\$1,375.00	BASE FOR SOLAR PANEL - PWD
NATIONAL SIGN CO INC	\$314.26	FLAGS - GAS
OBRIEN ANGELA	\$25.00	PERMIT REFUND/FLIP
OLSSON ASSOCIATES	\$370.80	STORMWATER MASTER PLAN
PEREGRINE CORP.	\$1,209.94	UTILITY BILLING - GS, SW, WT
POLSINELLI PC	\$5,233.50	LEGAL SERVICES - ALL
PRAXAIR DIST. INC.	\$45.65	SUPPLIES - GAS
PRINCIPAL LIFE INSURANCE	\$223.50	LIFE INSURANCE - ALL
REASONABLE LAWN & TREE	\$1,775.00	TRIMMING - STREETS
REDDI SERVICES KC	\$760.00	STARBROOKE, BROADWAY LIFT STATION
ROMANS OUTDOOR POWER	\$94.54	MOWER SERVICE - PARKS
SAMS CLUB MC/SYNCB	\$3,068.18	SUPPLIES, EQUIPMENT - ALL
SPRADLING SHANA	\$275.00	REFUND FOR CANCELED POOL PARTY
STAPLES ADVANTAGE	\$22.43	OFFICE SUPPLIES - ADMIN
SUMNER ONE	\$62.00	COPY SERVICES - ADMIN
UCI	\$150.00	TESTING - POLICE
VISA	\$4,429.65	EQUIPMENT, TRAINING, SUPPLIES - ALL
VISION SERVICE PLAN	\$941.21	INSURANCE - ALL

WASTE MANAGEMENT	\$423.11	TRASH SERVICES - PWD
WATCH GUARD DIGITAL	\$70.00	EQUIPMENT - POLICE
WHITE'S AUTOMOTIVE	\$815.53	TIRE REPAIRS - PWD
WISE SAFETY	\$60.00	CALIBRATION SERVICES - FIRE
	\$695,111.29	

## City of Louisburg

# Memo

**To:** Louisburg Governing Body  
**From:** Nathan Law  
**Date:** August 30, 2019  
**Re:** Annual STO & UPOC

---

**Background:** This item was tabled from the last meeting to allow more time to review updated editions of both documents. As stated last time, each year the League of Kansas Municipalities updates both the Standard Traffic Ordinance and the Uniform Public Offense Code. These two documents allow for a comprehensive set of laws to be incorporated by local government to remain consistent with state law. The 2019 editions of each are prepared and ready for implementation.

**Financial:** None.

**Legal:** None.

**Recommendation:** 1) Adopt Ordinance for "Standard Traffic Ordinance for Kansas Cities," Edition of 2019, and direct the Mayor to sign.

2) Adopt Ordinance for "Uniform Public Offense Code," Edition of 2019, and direct the Mayor to sign.



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

**AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF LOUISBURG, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", EDITION OF 2019; PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NUMBER 1095.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOUISBURG, MIAMI COUNTY, KANSAS;**

**Section 1. INCORPORATING STANDARD TRAFFIC ORDINANCE.**

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Louisburg, Kansas that certain standard traffic ordinances known as the Standard Traffic Ordinance for Kansas Cities, Edition of 2019, prepared and published in book form by the Kansas League of Municipalities, Topeka, Kansas. No fewer than three copies of said "Standard Traffic Ordinance" shall be marked or stamped "Official Copy as Adopted by Ordinance No. \_\_\_\_\_ and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

**Section 2. TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.**

- (a) An ordinance traffic infraction is a violation of any section of this ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118.
- (b) All traffic violations which are included within this ordinance, and which are not ordinance traffic infractions, as defined in subsection (a) of this section, shall be considered traffic offenses.

**Section 3. Repeal.** All ordinances or parts of ordinances of the City of Louisburg that are in conflict herewith shall be and are hereby repealed, except that this Ordinance shall not affect or repeal Ordinance 278 of the City of Louisburg, Kansas.

**Section 4. Effective Date.** This ordinance shall take effect and be in full force from and after its passage, approval and publication in the official City newspaper as provided by law.

**PASSED AND APPROVED** This 3rd day of September, 2019.

\_\_\_\_\_  
Marty Southard, Mayor

**ATTEST:**

\_\_\_\_\_  
Traci Storey, City clerk

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

**AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF LOUISBURG, KANSAS; INCORPORATING BY REFERENCE THE “UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES”, EDITION OF 2019 AND REPEALING ORDINANCE 1096, EXCEPT THAT THIS ORDINANCE SHALL NOT AFFECT OR REPEAL ORDINANCE NO. 278 OF THE CITY OF LOUISBURG, KANSAS.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOUISBURG, MIAMI COUNTY, KANSAS;**

**Section 1. INCORPORATING UNIFORM PUBLIC OFFENSE CODE.** There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Louisburg, Kansas that certain code known as the “Uniform Public Offense Code” 35<sup>th</sup> Edition of 2019, prepared and published in book form by the league of Kansas Municipalities, Topeka, Kansas. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped “Official Copy as Adopted by Ordinance No. \_\_\_\_\_ and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

**Section 2. Repeal.** All ordinance and parts of ordinances of the City of Louisburg Kansas, that are in conflict herewith shall be and are hereby repealed, except that this Ordinance shall not affect or repeal Ordinance No. 278 of the City of Louisburg, Kansas.

**Section 3. Effective Date.** This ordinance shall take effect and be in full force from and after its passage, approval and publication in the official City newspaper as provided by law.

**PASSED AND APPROVED** This 3rd day of September, 2019.

\_\_\_\_\_  
Marty Southard Mayor

**ATTEST:**

\_\_\_\_\_  
Traci Storey, City Clerk

103



# Memo

**To:** Louisburg Governing Body  
**From:** Nathan Law  
**Date:** August 30, 2019  
**Re:** Solar Panel System Design Standards – Zoning Regulations Update

---

**Background:** This discussion with the Planning Commission has been ongoing since January of this year. In that time a number of changes and considerations have been paid to the residential and commercial requirements, the sizing of the panel system allowed, the height of the panels, the location of panels when installed, reflectivity concerns, etc. Attached with this memorandum is an ordinance for Council consideration, but also a copy of the recommended regulatory language intended to be incorporated by the ordinance. Planning Commission made its recommendation for Council approval at the regular meeting on July 31, 2019, following the close of the public hearing on the same.

**Financial:** None.

**Legal:** This process has followed the requirements for making regulatory changes, having been published for a public hearing on July 3, 2019, having been through the public hearing on July 31, 2019, and having included the required protest petition period following of at least 14 days leading to this evening's discussion.

**Recommendation:** Approve attached ordinance amending City of Louisburg Zoning Regulations and including section for Solar Panel System Design Standards.

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

**AN ORDINANCE ADDING NEW SECTION 622, "SOLAR PANEL SYSTEM DESIGN STANDARDS" TO ARTICLE 6, SUPPLEMENTARY DISTRICT REGULATIONS WITHIN THE 2010 EDITION OF THE ZONING REGULATIONS FOR THE CITY OF LOUISBURG, KANSAS.**

**WHEREAS**, the Louisburg Planning Commission considered for public hearing adding aesthetic design standards for the placement of solar panel systems on private property within the City of Louisburg; and

**WHEREAS**, the Louisburg Planning Commission has conducted a public hearing on said Solar Panel System Design Standards on July 31, 2019; and

**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 a majority vote of all its members present, recommended that the Governing Body of the City of Louisburg, Kansas, approve said Solar Panel System Design Standards for the City of Louisburg Zoning Regulations of 2010; and

**WHEREAS**, under the authority of K.S.A. 12-741, et. seq., the City of Louisburg desires to adopt the Solar Panel System Design Standards for the 2010 Edition of the Zoning Regulations for the City of Louisburg, Kansas; and

**WHEREAS**, pursuant to K.S.A. 12-3009, the City of Louisburg is authorized to incorporate a standard or model code or ordinance in booklet or pamphlet form by reference, which provisions shall be as much part of the ordinance as if the same had been set out in full in this ordinance;

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

**SECTION 1.** The Solar Panel System Design Standards for the 2010 Edition of the Zoning Regulations for the City of Louisburg, Kansas, recommended by the Louisburg Planning Commission, is incorporated by reference and adopted as though fully set out at length herein as part of the Zoning Regulations for the City of Louisburg, Kansas.

**SECTION 2.** This Ordinance shall be in full force and effect from and after its publication once in the official city newspaper.

**PASSED AND APPROVED BY THE GOVERNING BODY** of the City of Louisburg, Kansas, this 3rd<sup>th</sup> day of September, 2019.

\_\_\_\_\_  
Marty Southard, Mayor

ATTEST:

\_\_\_\_\_  
Traci Storey, City Clerk

(seal)



# Solar Panel System Design Standards

## City of Louisburg, KS

## Background and Purpose

These Design Guidelines for solar panels provides guidance to the property owners on the aesthetic requirements and specifications for all solar panel systems in the City of Louisburg. Applications that conform to these standards will be reviewed by the Planning and Zoning Department. Any application that does not conform to these guidelines would require approval by the City of Louisburg Planning Commission.

The Design Guidelines are intended to allow sufficient flexibility to respond to and integrate future advances in solar technology as well as innovations that improve the ability for these facilities to integrate into the surrounding environment. Due to the rapid advances in solar technology, the Design Guidelines will be evaluated periodically to ensure the provisions respond and adapt accordingly to these evolving technologies. To be sure the application is the most current, applicants are encouraged to download the application on the City website: <https://louisburgkansas.gov/248/Building-Permits>

These guidelines are administered by the City of Louisburg Planning and Zoning Department. The department may be reached at 913-837-5811.

### **Solar Panel Systems in Residential Zoning Districts (R-1, R-2, R-3 and M-P)**

Solar panels may be installed in Residential Zoning Districts as long as the following performance standards are met. All solar panels shall meet or exceed the current standards expressed in the adopted building codes. A building permit must be obtained prior to the installation of any solar collector system. A combination of one (1) ground and one (1) roof mounted solar installation shall be allowed on a single lot as long as sets of panels are connected into one system.

#### **1. Installation on a pitched roof:**

- a. Applicant shall consult the local electrical utility company and obtain proper permitting.
- b. Solar panels must be mounted flush to the roof and must align with the pitch of the roof.
- c. Roof-mounted solar panels located on the rear side of roofs shall not extend above the peak of the roof plane on which they are mounted, and no portion of any such solar panel shall extend more than four (4) feet perpendicular to the point on the roof where it is mounted.
- d. The permit applicant must submit all manufacture's data and a stamped letter/documents from a licensed Kansas Engineer certifying that the roof structure will support all solar panels and accessory equipment before a permit is issued. The applicant shall also submit documents from the electrical utility company indicating that they have been approved for the installation of the solar panel system.
- e. All solar panel systems shall be installed by a licensed Electrical Contractor.

- f. Property owners are required to consult their Homeowners Associations (HOA) if applicable prior to submitting a permit application.

**2. Installation on a flat roof:**

- a. Applicant shall consult the local electrical utility company and obtain proper permitting.
- b. Roof-mounted solar panels may be mounted on a flat roof at an optimum angle to the sun for maximum energy production when the building parapet or roof design provides full screening of the solar panels and associated equipment from public streets and neighboring properties.
- c. For installation on a building without a parapet, roof-mounted solar collector panels shall be placed in the most obscure location without reducing the operating efficiency of the collectors, such as the center of the roof. Solar panels and associated equipment may be permitted on the roof so long as they are screened from view from public streets and neighboring properties.
- d. The permit applicant must submit all manufacturer's data and a stamped letter/documents from a licensed Kansas Engineer certifying that the roof structure will support all solar panels and accessory equipment before a permit is issued. The applicant shall also submit documents from the electrical utility company indicating that they have been approved for the installation of the solar panel system.
- e. All solar panel systems shall be installed by a licensed Electrical Contractor.
- f. Property owners are required to consult their Homeowners Associations (HOA) if applicable prior to submitting a permit application.

**3. Ground-mounted installation:**

- a. Applicant shall consult the local electrical utility company and obtain proper permitting.
- b. Ground-mounted solar panels shall not exceed more than seven (7) feet in total height and shall be located within the rear or side yard at least five (5) feet inside the property line.
- c. All lines serving a ground-mounted solar collector shall be located underground.
- d. All ground-mounted solar panels shall be installed in the rear or side yard and be screened with a privacy fence no less than five (5) ft. and no greater than eight (8) ft. and fence must be at least one (1) ft. taller than solar system.
- e. All solar panel systems shall be installed by a licensed Electrical Contractor.

- f. All ground-mounted solar panel systems are considered an accessory item and as such shall be constructed on the same lot as the residential dwelling. In addition, ground-mounted solar panel systems shall not be constructed in any easements or Right-of-Way (ROW).
- g. For residential lots less than one acre in size, the surface area of the ground-mounted solar panels shall not exceed two (2) percent coverage of total lot area, with a maximum coverage of two hundred (200) square feet. For residential lots one acre or larger in size, the surface area of the ground-mounted solar panels shall not exceed two (2) percent coverage of the total lot area, with a maximum lot coverage of seven hundred (700) square feet. A larger solar panel system may be allowed upon issuance of a Special Use Permit (SUP).
- h. No more than one ground-mounted solar panel system be installed on a single residential lot.
- i. The permit applicant must submit all manufacturer's data and site-plan before a permit is issued.
- j. Property owners are required to consult their Homeowners Associations (HOA) if applicable prior to submitting a permit application.
- k. The applicant shall submit documents from the electrical utility company indicating that they have been approved for the installation of the solar panel system.

**Solar in all Zoning Districts**

Solar panel system may be installed in all Zoning Districts as long as the following performance standards are met. All solar panels shall meet or exceed the current standards expressed in the adopted building codes. A building permit must be obtained prior to the installation of any solar collector system. A combination of one (1) ground and one (1) roof mounted solar installation shall be allowed on a single lot as long sets of panels are connected into one system.

**1. Installation on a pitched and flat roof systems:**

- a. Applicant shall consult the local electrical utility company and obtain proper permitting.
- b. Solar panels must be mounted flush to the roof and must align with the pitch of the roof.
- c. The permit applicant must submit all manufacturer's data and a stamped letter/documents from a licensed Kansas Engineer certifying that the roof structure will support all solar panels and accessory equipment before a permit is issued. The applicant shall also submit documents from the electrical utility company indicating that they have been approved for the installation of the solar panel system.
- d. All solar panel systems shall be installed by a licensed Electrical Contractor.



## **2. Ground-mounted installation:**

- a. Applicant shall consult the local electrical utility company and obtain proper permitting.
- b. Any electrical or mechanical equipment larger than three (3) ft. x three (3) ft. and is not mounted to the structure shall be screened from view of any adjacent public thoroughfare or a residentially-zoned area. Such screening shall be a minimum of one (1) ft. taller than said equipment when based on the same elevation. The screening may be fencing or similar material or landscaping.
- c. All lines serving a ground-mounted solar collector shall be located underground.
- d. Ground-mounted solar panels shall be located within the rear or side yard at least five (5) feet inside the property line.
- e. All solar panel systems shall be installed by a licensed Electrical Contractor.
- f. All ground-mounted solar panel systems are considered an accessory item and as such shall be constructed on the same lot as the as the primary commercial structure. In addition, ground-mounted solar panel systems shall not be constructed in any easements or Right-of-Way (ROW).
- g. The permit applicant must submit all manufactures and site-plan before a permit is issued. Site Plan must be approved by the Planning Commission. The applicant shall also submit documents from the electrical utility company indicating that they have been approved for the installation of the solar panel system.
- h. For commercial lots less than one acre in size, the surface area of the ground-mounted solar panels shall not exceed two (2) percent coverage of total lot area, with a maximum coverage of two hundred (200) square feet. For residential lots one acre or larger in size, the surface area of the ground-mounted solar panels shall not exceed two (2) percent coverage of the total lot area, with a maximum lot coverage of seven hundred (700) square feet. A larger solar panel system may be allowed upon issuance of a Special Use Permit (SUP).





# Memo

**To:** Louisburg Governing Body  
**From:** Nathan Law  
**Date:** August 30, 2019  
**Re:** City Lake Aeration Project

---

**Background:** City staff have received notice of matching grant dollars awarded to the City of Louisburg to address continued issues with water quality at Louisburg Lake. This issue has been an annual area of focus due to a combination of lake residents and visitor complaints, and with the annual fishing derby taking place at the lake. Each year employees treat the lake for algae. These aquatic species thrive in cove areas in particular because of the shallow depths, wind coverage, heat and humidity, and the introduction of ample supply of food source via runoff.

Because of the constant battle, staff looked into grant dollars available through the Kansas Department of Wildlife, Parks and Tourism for an aeration system to address the algae issue. Such a system will not help with the silting in of the lake in the cove areas, and may not address other vegetation. An aeration system is possible through a few different setups, but staff sought funding for a diffuser/aerator system power by a compressor located along the west shore, near existing electricity. The system priced for this grant is made by Vertex and includes an air compressor, compressor cabinet, concrete pad, tubing, and ten diffuser air stations. Attached is a map of the compressor and air station locations.

**Financial:** Costs for the project include: \$3,150 for electrical work and concrete pad installation, and \$24,802 for the diffuser/aerator system and installation. Grant funding awarded is for \$18,537 of the \$27,952 total cost for this project, or approximately 2/3 of the full cost of this project. For this project \$28,000 was budgeted for in 2019 and contingent upon receiving grant funding to complete the project.

Pricing above does not include annual maintenance cost of \$1,728.

**Legal:** Council must approve and direct Mayor to sign the grant funding agreement for this project.

**Recommendation:** Direct staff to proceed with this project and utilize funding as needed. Approve grant funding agreement and direct Mayor to sign.



**Vertex Water Features**  
 Lake Aeration Systems & Floating Fountains  
 Tel: (800)432-4302 / Fax (954)977-7877

**SOLitude Lake Management**  
 Louisburg Lake

**LL 33 10XL2**



- Legend**
-  Compressor Cabinet
  -  AirStation
  -  BottomLine Tubing

- Optional Equipment**
-  Shoreline Valve Box
  -  1" PVC Pipe

**Site and System Specifications**

Surface Acres:	22.3
Perimeter Feet:	5,858
Lake Volume, Gal.:	42,060,309
Total Acre Feet:	129.1
# of AirStations:	10
CFM / AirStation:	2.84
GPM / AirStation:	3,416
Daily Pumpage:	49,194,086
Turnovers/Day:	1.17
System PSI:	12.4

Date: 2/5/18



ORIGINAL

## COMMUNITY FISHERIES ASSISTANCE PROGRAM GRANT AGREEMENT

This Agreement is entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between City of Louisburg, located at 215 South Broadway, Louisburg, KS 66053 (hereinafter referred to as the "Cooperator") and the Kansas Department of Wildlife, Parks, and Tourism, located at 1020 S. Kansas Ave. Topeka, KS 66612 (hereinafter referred to as the "Department").

**WHEREAS**, the Department administers the Community Fisheries Assistance Grant Program which provides funding to local communities for improving their community fisheries,

**WHEREAS**, the Cooperator has submitted and the Department has approved Cooperator's Community Fisheries Project (hereinafter referred to as "Project" and more fully described as Attachment "1"), and

**WHEREAS**, Cooperator agrees to implement Project on Cooperator owned property (hereinafter referred to as "Designated Property") located in Miami County, Kansas at:

S 32

T 16

R 25

**Amount Department shall reimburse the Cooperator's expenditures** 18,537.00.

**NOW THEREFORE**, in consideration of the covenants herein contained, the parties agree as follows:

1. The Department agrees to pay Cooperator for costs incurred on Project as outlined in Attachment "1". The Department hereby agrees reimburse Cooperator an amount not to exceed 18,537.00, and not to exceed 76% of the Project total cost. All invoices must be submitted by March 1 2021.
2. Cooperator shall allow the public access (ingress and egress) to the Designated Property and the improvements thereon, however the Cooperator may reasonably restrict public access based upon time of days, or season of the year.
3. The term of this Agreement shall be for ten (10) year from the last signature on this Agreement
4. The Cooperator agrees it is the owner of Designated Property and shall maintain and operate Project for the term of this Agreement.
5. The Cooperator agrees not to remove, dismantle or destroy any improvement made through Project or on to the Designated Property or discontinue Program in whole or in part without prior written approval of the Department.
6. Cooperator agrees to the specified Project costs, percentage cost share contribution (if any) and Project specifications as set forth in Exhibit A. Upon completion of the Project, the Cooperator shall submit a cost report, on Department CFAP Grant Program Invoice (hereby incorporated Attachment "2"), to the Department.
7. Should anticipated funds for the continued performance under this Agreement be not available to the Department for such purpose, through failure of the legislature to appropriate funds or the termination or discontinuance or material alteration of the program under which funds for this Agreement were provided, the Department shall have the right to immediately terminate this agreement upon giving forty-five (45) days written notice to the Cooperator, at no penalty to the Department.
8. This Agreement shall be modified by mutual agreement in writing and signed by both parties.

9. Every provision of this Agreement is subject to the laws of the State of Kansas.
10. Any waiver of this contract must be in writing and signed by an authorized representative.
11. This Agreement shall not be assigned to any other entity, nor the respective rights or duties thereof.
12. This Agreement shall be made available to the public upon request under the Kansas Open Records Act, K.S.A. 45-220 et seq..
13. The Department shall notify the Cooperator in writing of any breach of Cooperator's obligation under this Agreement. Notices shall be sent by certified mail. In the event the Cooperator breaches its obligations under this Agreement, the Cooperator agrees to repay the Department in the principal sum of \$1,235.80 for each year or part thereof that remains in the designated life of the Project. All monies determined to be owed to the Department shall be due within forty-five (45) days receipt of the Department's notice.
14. The Cooperator is responsible for providing proof of payment, through the use of the Department CFAP Grant Program Invoice for all applicable materials and/or services purchased, including labor.
15. Each party shall act in their individual capacity and not as agents, employees, partners in a joint venture or as associates of one another. The employees or agents of one party shall not be deemed or construed to be employees or agents of the other party for any purpose.
16. The Cooperator or the Department may terminate this Agreement provided the other party receives written notification forty-five (45) days prior to the proposed termination date.
17. The Department's failure at any time to require strict performance by the Cooperator of any of the provisions of this Agreement shall not waive or diminish the Department's right thereafter to demand strict compliance therewith or with any provision.
18. The Cooperator certifies by placement of signature to this Agreement that neither they nor any of their principles, subcontractors and suppliers used on this project are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in such an agreement by any Federal or State Department or Agency.
19. The Cooperator shall permit the Department, or a duly authorized representative of the Department at any time during the course of this Agreement to inspect and audit the site and any materials, records and data relating to this Agreement.
20. In the event any of the provisions of this Agreement are deemed to be invalid or unenforceable, the same shall be deemed severable from the remainder of the Agreement. If such provision shall be deemed invalid due to its scope and breadth, such provisions shall be deemed valid to the extent of the scope and breadth permitted by law.
21. The provisions found in Contractual Provisions Attachment (form DA-146a) are hereby incorporated in this Agreement (identified as Attachment "3").
22. Equal opportunity to participate in and benefit from programs described herein is available to all individuals without regard to race, religion, national origin or ancestry or age. Complaints of discrimination should be sent to the Office of the Secretary, Kansas Department of Wildlife, Parks, and Tourism, 1020 South Kansas Ave., Suite 200, Topeka, KS 66612.