

**CITY OF LOUISBURG, KANSAS
MINUTES OF REGULAR MEETING
SEPTEMBER 3, 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 McKiearnan, 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

Visitors Ann Benton, Victoria Roche, Jennifer Leikam, Kent Gurske, Mike and Sara McIntire, Whitney Nevius

PLEDGE OF ALLEGIANCE

Councilmember Thorvald McKiearnan led the pledge of allegiance.

APPROVAL OF CONSENT AGENDA

Councilmember Thorvald McKiearnan 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 19, 2019, minutes and bills list.

VISITORS

Mayor Marty Southard read a Proclamation proclaiming September 17th through September 23rd as Constitution Week. Ann Benton, Miami County Daughters of the Revolution representative, shared information with Council on how DAR works with area schools to promote Constitution Week. Councilmember Kalee Smith moved, seconded by Councilmember Lee Baer and carried 5-0, to authorize Mayor Southard sign the proclamation.

Jennifer Leikam event organizer said Halloween on Broadway this year is set for Saturday, October 26th from 5:00 – 6:30 p.m. Leikam asked for permission to block Broadway from K-68 through South 3rd Street. Leikam also asked for the City’s support to advertise “no dogs” at the event. City Attorney Kelly Stohs said City support is not needed as this is a private event and Leikam does not need the City’s permission to advertise that dogs are not allowed. The City’s involvement is only in granting the street closing. Stohs said Leikam could request not to bring a family pet, but service dogs would have to be allowed. Councilmember Thorvald McKiearnan moved, seconded by Councilmember Kalee Smith and carried 5-0, to approve the street closures for Halloween on Broadway.

Kent Gurske, Club Estates HOA president, inquired about the shutdown of the golf course. He has heard that the current owners may graze cattle on it. Gurske asked where will the school golfers go to practice? What happens to the neighborhood and the property values? If they put cattle on it, everyone loses, including the City, residents and the homeowners. Councilmember Smith asked what the options are at this point. Administrator Law said the current zoning does allow cattle. Administrator Law offered to spend staff time to explore all options for the golf course and bring back to the next meeting.

PUBLIC COMMENTS

None

DEPARTMENT REPORTS

Police Department: Police Chief Tim Bauer said he has been working to fill a Full-time Police Officer position with a qualified candidate to serve the Louisburg community. Thomas Shanahan has applied and successfully completed the Police Department’s hiring process to become a police officer. Chief Bauer introduced Thomas and his family. Councilmember Kalee Smith moved, seconded by Councilmember Steve Town and carried 5-0, to approve the hiring of Thomas Shanahan at a pay grade of 2-4B.

CITY ATTORNEY’S REPORT

None

COUNCIL REPORTS

Councilmember Town: Councilmember Steve Town asked about the detour on South 3rd and Metcalf. Public Works Supervisor Craig Hufferd said he thought the detour was supposed to be N. 16th and has contacted the County to request the detour be moved to that street.

Councilmember Smith: Councilmember Kalee Smith asked what can we do to help the McIntire homeowners who are experiencing stormwater issues in The Lake subdivision. Councilmember McKiearnan said the city should not be involved as it is a civil matter between two property owners. He said maintenance has probably never been done on the pond and has probably never been dredged.

Mr. McIntire asked to talk to the Council regarding this issue. He told the council his family has lived in their home 10 years and said the flooding issue needs to be addressed. Councilmember McKiearnan said the pond is the problem and has probably washed out 3 foot of the ditch. Councilmember Lee Baer asked where we are at with the project plans. City Administrator Law said plans are here and ready to go. Mrs. McIntire approached the Council and said the City zoned the property and the drainage pond should have been maintained. The City should make the pond owners responsible for taking care of it. Administrator Law said the city is working with a land attorney to secure easements to complete the project but has not been able to secure those easements. Mr. Law explained that outside of the current process, Council could allow the process to revert to a civil matter between private property owners, or Council may consider proceeding with eminent domain. He asked the Council if they would like City Attorney Kelly Stohs to look for additional options to those known to staff. Council agreed.

Councilmember Baer: Councilmember Lee Baer asked Administrator Law about the light spillage from the Rockville Apartments. Administrator Law will into the issue.

Councilmember Harris: Councilmember Sandy Harris told the McIntires to not give up. We will continue to work on the problem.

Harris said the silt fences on Danford have collapsed in three places. Craig Hufferd said they are working on fixing it.

Councilmember McKiernan: Councilmember Thorvald McKiernan asked about the glitch in the programing at the stoplight at Metcalf and Amity. Craig Hufferd said it is being addressed.

McKiernan would like to repeal Resolutions 5-20-2019B, 7-15-19A and 7-15-19B. City Attorney Kelly Stohs and Mayor Southard both stated that repealing the resolutions is not needed. If another developer in the future would like to pursue an RHID, the same process would need to take place. Council had discussion. Councilmember McKiernan moved, seconded by Councilmember Smith to repeal resolutions 5-20-2019B, 7-15-19A, 7-15-19B. Motion failed with a vote of 2-3 (Town, Baer & Harris voting no).

MAYOR'S REPORT

Mayor Marty Southard said a 10-year old asked him if the City has ever talked about getting a skate park. Councilmember Steve Town said yes it has been looked at in past years.

From the audience Donna Cook said Whitney Nevius wanted to talk about stormwater by her house. Mayor Southard said this should be under public comments, but would take the question. Nevius lives behind Sonic and says the culvert isn't big enough to hold the heavy rains. Craig Hufferd said he would take a look and report back.

ADMINISTRATOR'S REPORT

Standard Traffic Ordinance: City Administrator Nathan Law presented the Standard Traffic Ordinance. Councilmember Steve Town moved, seconded by Councilmember Sandy Harris and carried 5-0, to authorize Mayor Southard sign the Standard Traffic Ordinance 1109.

Uniform Public Offense Code Ordinance: Administrator Law presented the Uniform Public Offense Code Ordinance. Councilmember Thorvald McKiernan moved, seconded by Councilmember Steve Town and carried 5-0, to authorize Mayor Southard sign the Uniform Public Offense Code Ordinance 1110.

Solar Panel System Design Standards – Zoning Regulations Update: Administrator Law said 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. Law presented 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.

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.

Staff recommends approval of the ordinance amending City of Louisburg Zoning Regulations including section for Solar Panel System Design Standards.

Councilmember McKiearnan had questions regarding sections 1C, 2C, 3D and 3G on the Solar Panel System Design Standards. Councilmember McKiearnan would like the Planning Commission to revisit it. McKiearnan would like to change the flat roof installation to have a requirement to not be visible from 300 feet from a public street in keeping with similar zoning regulations; asked to have the fencing height requirement in the ground-mounted installation be re-examined; and to allow for ground-mounted solar panels when combined with other accessory structure to not exceed 30 percent of the rear yard.

Councilmember McKiearnan moved, seconded by Councilmember Kalee Smith and carried 5-0, to take the Solar Panel System Design Standard back to the Planning Commission.

City Lake Aeration Project: City staff 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 multiple times. 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 powered by a compressor located by 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 station locations.

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 this project. This pricing does not include annual maintenance cost of \$1,728.

Councilmember Steve Town moved, seconded by Sandy Harris. Councilmember McKiernan asked if this was budgeted. Administrator Law replied yes. Councilmember Harris asked how soon the project could start. Law said it could start soon as the grant approval process is finalized. Motion carried 5-0, to authorize Mayor Southard sign the grant funding agreement.

ADJOURNMENT

At 8:15 p.m. Councilmember Kalee Smith moved, seconded by Councilmember Thorvald McKiernan and carried 5-0, to adjourn the meeting.

Approved:

Marty Southard, Mayor

Attest:

Traci Storey, City Clerk