

**CITY OF LOUISBURG, KANSAS  
MINUTES OF REGULAR MEETING  
OCTOBER 19, 2020**

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 Steve Town, Donna Cook, Thorvald McKiernan, Kalee Smith, Sandy Harris  
City Administrator Nathan Law  
City Clerk Traci Storey  
City Attorney  
Police Chief Tim Bauer  
Fire Chief Gerald Rittinghouse  
Communications Coordinator Jean Carder  
Public Works Supervisor Craig Hufferd  
Visitors McKenzie Phillips

**PLEDGE OF ALLEGIANCE**

Councilmember Steve Town led the pledge of allegiance.

**APPROVAL OF CONSENT AGENDA**

Councilmember Donna Cook asked about bills regarding the Chamber of Commerce and Louisburg Animal Clinic. Administrator Law said the Chamber of Commerce bill is for the support as approved by Council. The City provides annual support, rather than \$500 for dues. The support is a total of \$15,000 less \$3,600 for office space. The Louisburg Animal Clinic bill is for animals that are housed and destroyed. The destruction cost is based on the size of the animal. Rates can range from \$75 up to \$175. Councilmember Sandy Harris asked how the Polsinelli law firm billing is handled. Administrator Law said it is billed by the 1/10<sup>th</sup> hour. Councilmember Harris moved, seconded by Councilmember Thorvald McKiernan and carried 5-0, to approve the consent agenda to include adoption of the agenda, approval of the regular meeting October 5, 2020 minutes.

**VISITORS**

McKenzie Phillips HOA President of Summerfield addressed the Council about recent parking concerns brought up at previous Council meetings. She talked

about the safety of the community in regards to parking and why the HOA had initially recommended that no parking signs be placed on the north side of the streets in the subdivision. She related that in 2018 there was a 911 call that was placed for a home on N. 2<sup>nd</sup> Street East and the Fire Department was not able to get down the street due to parked cars on both sides of the street. Due to this potential safety issue, the HOA held multiple meetings to discuss next steps. Phillips explained how it was determined where no parking signs would be placed in the subdivision. The safety of children was considered in regard to no parking on the side of the street with sidewalks. At this time everything is working great, she said, but if anyone would like to contact her regarding the issue she is very open to try and help. Fire Chief Rittinghouse said having the parking on one side has worked well. Councilmembers thanked Phillips for coming and clarifying.

### **PUBLIC COMMENTS**

None

### **DEPARTMENT REPORTS**

**Public Works:** Public Works Supervisor Craig Hufferd proposed hiring Don Benthusen as a Public Service Worker 1. This position will be responsible for marking utilities, daily check of the trash cans around town, clean Ron Weers Park and Fox Hall bathrooms when open, and regular duties of a Public Service Worker. Staff recommends hiring him with a pay scale of 2-3A. Councilmember McKiearnan moved, seconded by Councilmember Kalee Smith and carried 5-0, to approve the hiring of Don Benthusen as Public Service Worker 1.

**Fire Department:** Fire Chief Rittinghouse said it is extremely dry outside and a burn ban is currently in place in the City and County.

Last week Panhandle Eastern sponsored training at their facility with their personnel. The Fire Department was invited and had a great training experience.

Colorado has made a request for mutual aid due to all the wildfires. Deployment from the state of Kansas means local fire personnel can be deployed through several steps. All costs are reimbursed through FEMA Act and through the State Act. Chief Rittinghouse has been contacted about available personnel and equipment.

Chief Rittinghouse reminded everyone to change your clocks and batteries in smoke detectors during the time change next weekend.

The usual Fire Prevention Week activities at the schools are more difficult with limited hands-on learning.

Elliott Insurance Group sent a letter thanking the Fire Department for their quick response to an emergency at their building recently. The Council thanked the Department for a job well done.

**Police Department:** Police Chief Tim Bauer said they will be conducting the Drug Take Back Program on Saturday, October 24th. This event will be held at the Police Station from 10 a.m. until 2 p.m.

### **CITY ATTORNEY'S REPORT**

### **MAYOR'S REPORT**

Mayor Marty Southard thanked the members of the FBLA organization at LHS. They helped with cleanup around town on a recent Saturday morning.

The Mayor informed Council that City Attorney Kelly Stohs has submitted her resignation but will serve until a replacement is found. She is assisting in the search.

### **ADMINISTRATOR'S REPORT**

**Zone Change for 101 N. 3<sup>rd</sup> Street:** City Administrator Nathan Law said the Planning Commission discussed a proposed zone change for property located at 101 N. 3rd Street at its regular meeting September 30, 2020. The proposed rezone is from C-3 – General Business District designation to R-1 – Single Family Dwelling District.

All legal procedures were followed for this proposed zoning change and was heard at the September Planning Commission meeting. After the public hearing, Planning Commission voted unanimously, 7-0, to approve the zoning change request.

Councilmember Thorvald McKiernan moved, seconded by Councilmember Donna Cook and carried 5-0, to authorize Mayor Southard sign Ordinance 1133 approving the zoning change at 101 N. 3<sup>rd</sup> St.

**Zone Change for 401 & 403 S. 1<sup>st</sup> Street:** The Planning Commission discussed a proposed zone change for property located at 401 & 403 S. 1<sup>st</sup> Street at its regular meeting September 30, 2020. The proposed rezone is from C-2 – Central Business District designation to R-1 – Single Family Dwelling District.

All legal procedures were followed for this proposed zoning change and was heard at the September Planning Commission meeting. After the public hearing, Planning Commission voted unanimously, 7-0, to approve the zoning change request.

Councilmember Steve Town moved, seconded by Councilmember Kalee Smith and carried 5-0, to authorize Mayor Southard sign Ordinance 1134 for the zoning change at 401 & 403 S. First St.

**Special Use Permit – Communication Tower – 206 N. Broadway (North Lagoons):** The Planning Commission discussed the proposed Special Use Permit for a deviation in height for a communication tower as part of the wastewater treatment plant construction during a public hearing at its Sept 30, 2020, meeting.

While Planning Commission members approved the Special Use Permit in a unanimous vote of 7-0, members took issue with the type of tower and recommended a monopole design to follow the requirements of Section 614 of the Zoning Regulations. Zoning Regulations do allow the City to approve another type of pole design.

Councilmember Smith asked if Zoning Regulations call for a monopole design why this was not included in the project bid package. She said the consultant should know what is required by our zoning regulations. Administrator Law said it is up to Staff to review the plans and look for items that might not meet our regulations. Councilmember Smith thinks this is an error on part of the consultant not Staff. Councilmember McKiernan asked exactly what is the engineering firm doing for us. Administrator Law said this was discussed with the change order. The consultant's responsibility is design and their contract is to represent us for construction oversight. Councilmembers had a lengthy discussion. Councilmember Thorvald McKiernan moved, seconded by Councilmember Kalee Smith and carried 5-0, to authorize Mayor Southard sign Ordinance 1135 to approve the deviation in height for the communication tower and to require the tower to be a monopole design. Councilmembers Thorvald McKiernan moved, seconded by Councilmember Donna Cook and carried 5-0, to have legal counsel review the contract to determine if the consultant should pay for the change order.

**Special Use Permit – Storage and Warehousing – 106 W. Amity:** The Planning Commission discussed this proposed Special Use Permit and its Sept. 30, 2020, meeting during a public hearing.

Councilmember Cook asked if this was the building behind the Once Upon a Time building. Administrator Law said it is. Councilmember Harris asked if we know what kinds of material and equipment are going to be stored there. Law said per city regulations there will be no explosives and nothing hazardous stored on the site. Councilmember Harris asked if it was compatible with the retail business that is already on this property. Law said those are three distinct properties and they are being plotted separately. This property is storage, so vehicles will use the shared access easement to get back to it. Harris asked if there is a responsibility to citizens who are trying to establish a business there and how traffic leaves that site. Mr. Law said the owner Bob Bazin is in the audience and might answer questions. Harris asked what he planned to store at the site. Bazin said he will park his trucks inside of the building. After discussion Councilmember Steve Town moved, seconded by Councilmember Donna Cook and carried 4-1 (Harris voting no) to accept the Special Use Permit Ordinance 1136.

**Text Amendment – 2001-TXA-Accessory Building Requirements:** The Planning Commission conducted a public hearing on a text amendment at its Sept. 30, 2020, meeting. The amendment proposed amending subsection B. Accessory Buildings, Structures and Uses, by adding Item 8 of Article 6 Supplementary District Regulations, Section 602, Yard Regulations. The proposed text change is:

“Tracts of land greater than five (5) acres within R-1 Single-Family Dwelling or A-L Agricultural Districts shall have the option to install a hard surface or gravel driveway leading to any constructed accessory building greater than 300 square feet. Accessory buildings within this category shall have a 100-foot front yard setback and a 50-foot side yard setback.”

The Planning Commission unanimously approved the change on a 7-0 vote and forwarded it to Council for approval.

Councilmembers discussed the tracts of 5 acres or more along with the gravel drives. After discussion Councilmember Sandy Harris moved, seconded by Councilmember Kalee Smith and carried 5-0, to send the item back to the Planning Commission and reconsider gravel drives.

**Debris Loader:** At the direction of City Council, Staff has researched larger leaf disposal options for the brush dump and recommends the purchase of a vacuum trailer to haul leaves from the site. Leaves would be hauled to Belton where they would charge \$30 a load.

Staff recommends the Little Wonder 10-yard unit.

Councilmember Cook said she has talked to a new company out of Osawatomie that is selling topsoil and organic matter. Cook told them about the City's burn pile and they are interested in coming to the next Council meeting to discuss and possibly take leaves and some debris.

Councilmember McKiernan said a 10-yard machine is too small and that he could acquire a 30-yard machine for \$32,000. After discussion Councilmember Town moved, seconded by Councilmember Harris and carried 5-0 to table this until the next meeting after talking with the Osawatomie company.

**Burn Site Review:** Staff was notified of a complaint regarding the City burn site, filed with the Kansas Department of Health and Environment. KDHE point of contact Pat Simpson has asked that the City of Louisburg consider options for the burn site to lessen the conditions that have caused the complaint.

At this point the items to consider are:

- Move the location of the burn site to some other city-owned property
- Add a forced-air system to the burning operation to lessen the degree of smoke and ash
- Contract for hauling away of trees and brush and not burn at the location
- Gate off the burn site and schedule for unlock times, closing when reaching a certain quantity
- Further limit who is able to dump at the site
- Close the site and no longer offer a burn site

Administrator Law said there is no other city-owned property that provides distance from residents, oversight and/or security and therefore moving the site is not recommended.

He said a forced-air system could be added to the current location. A complete system ranges in price from \$100,000 to \$180,000 and requires a yearly permit from the state at the cost of \$3,000.

A third option is contract hauling with an unknown cost at this time as the City does not own the appropriate equipment to load large trees into a truck for hauling.

The next option would be to gate the site but would require a staff member to be at the site to monitor the location when it would be open and would limit the availability of the site to weekday operations. Part of this option could be to close the site to commercial tree operations performing work for city residents.

The last option would be to permanently close the site.

Councilmember Cook asked how often we burn there. Public Works Supervisor Hufferd said at least once a week. Councilmember McKiearnan asked if we could move it further west onto City-owned land. Mr. Law said that is not an option as there is a gas line located in that area. Residents who live near the brush dump were in attendance and asked for something to be done with the burn site. They said their children can't play outside when brush is being burned. Councilmembers had discussion. Councilmember Cook moved, seconded by Councilmember McKiearnan to table until next meeting with discussion from the Osawatomie company. Bob Bazin, also in the audience, said he has air curtains that would burn the leaves with little or no smoke and the City could use for free. Motion carried 5-0, to table until next meeting.

**Immediate Hazard at 128 Harvest Drive:** At the last Council meeting it was noted that broken glass posed an immediate hazard to the public at 128 Harvest Drive. While the private property is not necessarily open to the public, City Code section 8-812 requires the Governing Body to declare any issue an immediate hazard. In consultation with the City Attorney, this should be done by a formal vote of the Council. Once done, the City will be able to immediately address the hazards, and then pursue the remainder of nuisance property items according to City Code. Financial Consideration: Costs may be assessed against the property on which safety concern is abated.

Councilmember Smith moved, seconded by Councilmember McKiearnan and carried 5-0, to declare 128 Harvest Drive an immediate hazard.

**Councilmember McKiearnan:** Councilmember McKiearnan asked how the installation of water meters was going. Hufferd said there are about 300 more to put in. After the water meters are in, Public Works will start on gas meter replacement.

McKiernan asked if the committee he is putting together to review zoning regulations and determine how the City could be more business friendly could meet in City Hall. He was told yes.

**Councilmember Harris:** Councilmember Harris asked about the dirt that is on Shoreline Drive. Mr. Law said he would ask the Zoning Coordinator to talk with the owner. Councilmember Smith asked if a silt fence would be mandatory on N. 5<sup>th</sup> Street. Law said yes, a silt fence would be installed. Harris attended the last Park Board meeting and said they have been working hard and addressed pickle ball and disc golf at the last meeting. He would like to thank them for all they do.

**Councilmember Cook:** Councilmember Cook asked about gas and sewer mapping.

Cook asked if we have any new information regarding the codes that Boyce Homes had asked about. Law said we are working on that now.

Cook asked if the owner of the property at 508 N. 6th would be on the next agenda. Administrator Law said the owner would be reminded to attend the meeting.

**Councilmember Steve Town:** Councilmember Town asked if we could send out reminders if anyone needs their culverts cleaned.

The Electric Light Show will have fireworks after the show. This is on Saturday, October 24<sup>th</sup>.

## **ADJOURNMENT**

At 7:57 p.m. Councilmember Harris moved, seconded by Councilmember Smith and carried 5-0, to adjourn the meeting.

Approved:

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Marty Southard, Mayor

Attest:

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Traci Storey, City Clerk