

New Strawn City Council

Regular Monthly Meeting

Thursday, July 13, 2023

PRESENT:

Mayor Rhonda Taylor

Council members: Jeanne Haas, David Christiansen, Butch Gilkison and Johnny Hernandez

Absent: Stephanie Baker

Staff: Maintenance Operator Steven Dwight, Code Enforcement Ray Wards, City Attorney Philip Wright and City Clerk Lana Johnson

Others: Greg Holmquist, Mark Petterson, Jim Weeks, Jaclyn Smith-Nelson, Ryan Nelson, Ryan Akers, Illa Weeks, Sue Haehn, Kathy Payne, Gary Haehn, Robert Harkrader, Janet Harkrader and John Terry.

CALL TO ORDER: Mayor Taylor called the meeting to order at 7:00 p.m.

FLAG SALUTE: The meeting opened with the Pledge of Allegiance.

AGENDA ADDITIONS/CHANGES: None

CONSENT AGENDA ADDITIONS: None

APPROVAL OF AGENDA:

Council Member Gilkison moved, seconded by Hernandez to approve the agenda as presented. Motion carried 4-0.

APPROVAL OF CONSENT AGENDA:

Consent Agenda Items

Minutes: Move to approve meeting minutes of June 8, 2023.

Warrants: Move to approve the Warrants dated June 7, 2023 through July 10, 2023 in the amount of \$44,138.77.

Payroll: Move to approve the June, 2023 Payroll in the amount of \$15,897.58.

Other: Move to approve the mayor, council or clerk to attend the Annual League Conference in Wichita, KS October 7-9, 2023 at \$250 each, 2 nights each of hotel, plus travel and meals not covered by the conference.

Christiansen moved, seconded by Gilkison, to approve the consent agenda as presented. Motion carried 4-0.

APPOINTMENTS:

- a. Radiant Life Church – Ryan Akers Disco – Golf

Ryan presented updated maps and updated numbers for the disc golf project. Quinton Lyons and Johnny Hernandez had designed the original layout of the course. The church board also analyzed the design and made some changes. It will be a good, challenging course. Council member Christiansen asked about the layout of the amount of the baskets on each property. Ryan Akers responded that

there would be more baskets on the city property than the church property. The church would have 3 teepads and 5 baskets and the city would have 7 teepads and 6 baskets. Baskets would be \$375 each, the t signs are \$120 per hole, the course map would be \$400. The concrete bid from Burlington Construction was for only 6 pads and 6 baskets. Scott Jeffers (BRC) has said they would commit some funds to the city portion of the project but hasn't said how much. He had also contacted the Jones Foundation but hasn't heard back. Mayor Taylor reminded the council of where the basket and pad 8 & 9 would be located that was one of the open spaces that New Strawn did own for potential apartments or duplexes for growth and well as number 10. Ryan also reported that Burlington Construction wouldn't be able to get to the job until September or October, that would give time to get more bids. City Attorney Wright suggested selling advertising on the signs to help offset the cost. Ryan responded that the church had been talking about having sponsors for a sign. Council member Haas mentioned that the quote from TrustPoint for coverage for the course was in the council packet. Mayor Taylor mentioned that TrustPoint would increase the city policy around \$600 per year. Ryan responded that their insurance would only increase \$17 per year. Attorney Wright asked about the maintenance and upkeep on the course. Council member Christiansen said this would be a low maintenance cost project. Council Member Haas said a decision can be made when Council member Hernandez has his presentation. Council member Hernandez has spoken with Scot Jeffers and Trevor Smith and they are interested in having league play in New Strawn if this goes through. Mayor Taylor asked if there was an idea of how many residents this will serve. Hernandez replied that he doesn't have a number but a handful of people have approached and are excited about this going in. Mayor Taylor said there had been a request from a resident to put tennis courts back in and we said no. She didn't think that the cost was much different and knew there had been a handful that would use it. The difference between a handful wanting the tennis court and a handful wanting this, I would like the council to think about that too, please. Christiansen said Emporia is one of the biggest disc golf capitals in this country. It is a growing sport with youth that we want to attract to this town. Hernandez mentioned the EB Sports and Outdoors in Burlington isn't stocking up on tennis rackets and tennis balls but they just got a full stock of discs to show in the store. Haas said we have the money which can be taken out of general and parks. Mayor Taylor asked that the discussion continue under Johnny's presentation.

b. Kwikom, John Terry – Water Tower Lease Agreement

John Terry introduced himself and presented a new lease agreement. The old one expires in November. They drafted a new lease with the same language and a 25% rent increase. The council went through the changes and equipment placement. City Attorney Wright asked again for the proof of acquiring the Valnet assets and that a statement be put in the contract about removing dead equipment on the tower. Kwikom will work with City Attorney Wright to make some changes to the contract. Terry said their engineering team can draw out what equipment on the tower belongs to Kwikom.

PUBLIC COMMENTS:

Jim Weeks: I have a recommendation for the council. I think the city put their code enforcer and the zoning administrator at a disadvantage and some of the new council members as well in that you don't have your zoning in a format that you can do a word search on finding things. I've tried using your format on ordinances on line and it don't work. So, I'm going to highly recommend the council look

into buying an Adobe product that allows you to scan all of your documents in and make them where they are word searchable. That way when there are questions raised people can get answers quickly and it will help reduce rumors as well. An example in your ordinances if you have 3 acres or more you can have livestock. However, in zoning you can only have it in agriculture and RS-1 area. There are a lot of conflicts being on the council before, between the ordinances and the zoning stuff, we never got that worked out. It would make their jobs and your jobs a whole lot easier when questions are raised if you had it in a format that you could easily do word search capabilities. I took one of the old zoning things when I was on the council and had it changed to Adobe so I could do word search on. I need to bounce it against a new one. I would highly recommend you guys do something. **Christiansen:** how much does that cost? **Weeks:** I don't know. I think you can get Adobe Pro for like \$500 or so for the program. I didn't ever look at it that close. It would be money well spent.

Gary Haehn: First of all, I want to bring it to the council attention. This 4th of July we were in a drought. And I have no objection against people doing fireworks, none. But the city should have maybe evaluated what they were going to allow to happen. The candle things you blow up and go in the sky and you have no idea where they end. We were outside talking with a bunch of neighbours and stuff like that and seen some things. Not going to mention names on who did what, the result, goes up, you have no idea, one lands on a house. The people are inside and they have no idea, they aren't outside, it's still burning, this thing it's hot and it landed on the roof. Us neighbours go over and we take it off. Another we look at there's 2 or 3 going north and land out in a pasture. We got very lucky; we didn't have to call the fire department. I think that if we are in a drought, I think the city ought to put some regulation on what they will allow people to shoot. That's one. Another one is the disc golf course; I have no objection to it. The church came and wanted the city to get involved. Shouldn't it be a 50/50 deal? The city is going to allow them to put it on the land at no cost and then all of a sudden, the city is going to put in more than the church. Why? Another thing on the tennis thing. A thing that would be for the tennis thing to do, to get it solved, move the batting cage. Put it right up on the tennis court. You'll get right there by the community building those kids will use the daylight out of it. Then you won't have to worry about people wanting tennis courts cause they will use batting cage 10 times more than they will use the tennis courts. Cause we have little kids that you know, plays ball. I see it every week. Another thing is quickly is street lights, we've talked about that. How many of you council members drive around this town at night? If you don't you need to. There are a ton of people that walk. **Mayor Taylor:** Your time is up Gary. **Gary:** Three minutes, I have, you know. **Christiansen:** Gary, time is up. **Gary:** Ok, I'll be back next month.

Robert Harkrader: I really don't have a whole lot to say. I did want to say the City of New Strawn has real opportunity for growth coming up with the chip factory moving in. I think the council should do everything possible to get some in order to get growth we gonna have to have houses. I think getting housing going is a major step in the growth of the city. I think using some of the city property to kick start the growth of housing development would be a good idea. Get some of the city property on the tax rolls and start drawing some tax money from that and stop paying Steven to mow it all the time would be a good idea. One other thing I would mention, I really don't have any opinion but as you can tell I'm kinda old so I'm not going to play disc golf at all. But those ones who do it appears to me like there may be some more traffic going across 3rd Street and Neosho Street getting from one side to the other. That would be my only concern I would have is the kids going back and forth across the street more often, and possibly some issues of trespassing on the private properties between the lake and the church. My last thing is kind of a pet peeve of mine. The council several years ago and maybe Jeanne was on the council. When the council decided to plant all of these noxious weeds around town. The council planted 100 bradford pears and they are a noxious weed. To be a good neighbour I think

the city should go around and cut every one of those down and make sure to kill those stumps. In fact, the state legislature is going to be reviewing a proposal this next session to ban the sell of bradford pears in the state of Kansas. Which would be a great idea and if you don't know why, you should not have bradford pears all you got to do is just go out and look at the CORPS ground by the campsite and there a million bradford pears coming up out there. They aren't bad yet but they will soon be propagating little bradford pears all over town.

Kathy Payne: I know I saw in the paper from the minutes, the gentle man that was going to put in the 50 houses over on the other side of the highway and I understand the rural water district couldn't provide the water or wouldn't, I don't know which and the city was going to try but couldn't get a right of way. Is that not, right? **Mayor Taylor:** There was issues between rural water wanting to keep those rights and it was in their jurisdiction because they service there and they weren't willing to share that. **Kathy:** and there was nothing the city could do in a case like that? **Steven Dwight:** It fell short before we got to that point. **Taylor:** He also sold the property. **Christiansen:** Let's also remember this is not to be a discussion. Just want to treat everyone fairly. **Taylor:** Good point. **Kathy:** My other, I agree with Robert. We really need to get some housing. Gridley is going to put in housing for these people coming in. They are going through the county housing authority they are going for grants which we can also do. Keep in mind is this infrastructure revenue we get from the county is based on population. The more people we get the more money we get. As far as disc golf if the CORPS is putting one in, why do we need one?

Sue Haehn: I would like to get a copy of our financial statement. It's in you guys' packet. **City Attorney Wright:** If you are seeking documents from the city you need to do that under the Kansas Open Records Act. **Sue:** I'm not receiving anything. **Wright:** What I'm asking is if you are requesting documents from the city, you need to follow the Kansas Open Records Act and we will comply through the Kansas Open Record Act. So, if you want to see a copy of the financial statements, we would be more than happy to provide that but you need to comply with the Kansas Open Records Act for us to do that. **Sue:** Alright. Several years ago, about 8 or 9 years ago when Mark Petterson was mayor. We had an open meeting, a public meeting. Many residents from New Strawn attended. At that meeting they made a promise to the citizens of New Strawn that when that tower was paid off that the maintenance fee would be lowered. I understand that you guys have since decided not to do that so I'm assuming that we must be operating in the red. I noticed in the meeting minutes from last month that you guys snuck in a dollar trash fee. It wasn't voted on by any of the residents. There was 5 of you decide to SNEAK this in and add a dollar to our fee for trash service. So now we are paying for the tower still, now we've got this additional dollar you have put on us. What for? I mean, what are we going to get out of it? Next thing, disc golf, are they paying a fee? You said it's going to be like golf, like regular golf or are we going to provide this free gratis? Also, hay. The ground that Steven hays. Do we give a 1099 at the end of the year for baling that hay? Do we issue him a 1099 because that is additional income for him. Right now, hay ground is going for \$60 an acre. The Morris Merrit came from sealed bids and they get 60 bucks an acre. So, he has done this for years for free but this is considered additional income for Steven. Because whether he uses the hay or sells the hay, he is getting the value out of it. So I think in the future the city, if we are having such a bad time that we have to sneak this dollar in on our trash. We need to consider doing a sealed bid on this hay ground. That's my comments. Put that under your belt. I mean you have an attorney here. **Taylor:** your 3 minutes are up.

FINANCIAL REPORTS:

- a. Additional Warrants – None

STAFF REPORTS

Zoning Administrator – No Report

Code Enforcement Officer/Public Safety

- Tickets/Violations

Ray Wards reported that he will be issuing some citations but wants to discuss things with City Attorney Wright first.

- Haying Permit – 150' Mowing from Structure

Council Member Haas mentioned the zoning information on haying isn't very clear about haying. There has been a lot of questions about agricultural – non agricultural land has to get a haying permit if they're not going to mow and be exempt from 8-401. We had used the provision that applies to ag land for our zoning but we don't have provisions in our code about it. It just says "it may happen".

Christiansen: When I read this before the meeting, this ordinance. The thing I was missing was who approves this haying permit? **Taylor:** Ray (Code Enforcement) **Christiansen:** Code Enforcement approves. Basically, as long as they are following the requirements of 150' from buildings then it can be approved on a yearly basis. **Haas:** In the code, the exemption says "areas zoned other than agriculture may be exempt from the provisions with an applied haying permit". It doesn't say anything about how far, it talks about far for agricultural but if it's non-ag what are the rules? **Christiansen:** It says not within 150' of a residential or business structure. **Haas:** If it's zoned agriculturally. **Christiansen:** No, this says this provision shall not apply to.. It applies to all non-agriculture, anything that is not ag. **Haas:** Where does it say that? It says the provisions of this article does not apply to any portion, parcel or tract that is not within 150' of a residential or business structure in any area zoned agricultural laying in the city limits of the city. Then it says areas zoned other, and we have hay permits in 4 zoned areas in our city. Areas zoned other than agricultural may be exempt from these provisions with an approved haying permit available from the city. **Christiansen:** It's almost like it's says if you are not ag and you apply for a permit you don't need to follow the 150'. You can go even closer. **Haas:** Yes, you can go closer or farther away. That's what I'm saying. **Christiansen:** I see what you are saying. **City Clerk Johnson:** But the actual haying permit does say 150' from a structure. **Christiansen:** OK, the permit says that. **Haas:** We have citizens, because of the way their house sits on their property, because it sits closer to the front of their property and their back yard is bigger than the non-mowing area is very close to their property line and that's a concern to them because of the weeds and such. **Taylor:** 150' whether it's on the front or back. **Haas:** Ok, if your backyard is 120' then there is only 30' between you and the non-mowed grass. That's the concern. There were a lot of numbers discussed and throw out. But 75' from the property line which ever is closer on a non-ag area. **Christiansen:** So, this hasn't come up before and you and multiple people in this room has properties next to properties that are hayed and have been hayed for decades. **Haas:** Right. **Christiansen:** Why is this a new issue now? **Haas:** Why is this a new issue? Because the golf course was not mowed and people were upset. **Christiansen:** I guess what I'm saying, we already have people doing this that are following this rule. **Haas:** and the property owner mows 150' from my house. **Christiansen:** Really? It's like 10' from my property. I'm trying to understand why this is an issue now and it hadn't been 10 years ago. **Haas:** Because of the logistics of the land is. **Taylor:** The land hasn't changed and it has been mowed in the same spot as David pointed out. **Weeks:** The golf course was a golf course 10 years ago. **Christiansen:** Then buy the golf course. **Taylor:** The golf course hasn't existed as a golf course in many years. **Johnson:** Right now,

we have 7 haying permits. 2 in R-1, 2 in R-1/A-1, 2 in C-1 and 1 in C-1/R-2. **Christiansen:** So, there are quite a few permits. **Johnson:** These are just annual. People with A-1 have a permit and it's done. They don't renew them every year. **Christiansen:** They can't hay on your property. You can mow your property. The same rules applied for decades. That makes it easy. I'm in the position that it's been a long-standing rule and just because the use of some properties has changed, I don't support changing the rules. That's just me. I'm one of 4 here. **Taylor:** Philip? **Wright:** This is you guys' decision. **Taylor:** I know. I was looking to you to find out if 150'. **Wright:** I've read this about 40 times and I'm still processing. **Taylor:** I do know that on a piece of commercial property that personal we own; we are responsible for mowing from the corner of the structure into our property for the 150' and we mow that part. We have the rest of it mowed in paths and we have our butterfly gardens there. We couldn't put a butterfly garden within that 150'. We don't have this as far as on the agenda to vote anything. **Haas:** I want to make a change to it. **Wright:** So, we have some people that want to make a change and shrink the area that has to be mowed? **Haas:** No, they want to enlarge it. **Taylor:** They want to take a bigger chunk of the haying area. **Wright:** So, you have to go back farther to be able to hay, you have to keep it mowed down. **Christiansen:** I oppose that because people that have purchased property, understanding this rule, now you have changed the valuation of their property. Right? They bought the property thinking they follow the rules inside our book. **Wards:** If you decide to change the rule to so many feet from the property line then whichever property you are going to do that with, they will have to get their property surveyed so they will know exactly where their property line is. Am I right? **Wright:** I really can't answer that question because most people don't know where their property line is anyway. It's probably a good idea to get a survey if you don't know where it is. It would force some people to do that so that they could be sure that they were in compliance. Then if there were complaints filed what is the city going to do? I don't think it's the city's responsibility to go and have a surveyor come out and mark other people's property line. It will be a situation where if you want to complain then you are going to have to get a surveyor out to mark the pins. **Christiansen:** Kinda what he was saying, this thing is a mess. If there is any change I would recommend, is we make it specific to the intent where the intent is 150' for the property. That's the only change I would support is to not make it a gobbledygook. **Wright:** It doesn't matter because that's how it's been. You understand that it means that and that is the intent and that's what we should do. **Hernandez:** It doesn't affect me directly and I'm trying to be considerate to the people that it does effect. I can see that it has varying standard in my opinion. What is considered a structure? So, if I have a metal shop in my backyard? What classifies as a structure? **Christiansen:** This says a residential or business structure. It is not an accessory building. **Taylor:** Sheds don't count. As David mentioned, the situation, why is that an issue now? **Christiansen:** I see it as a monetary impact on one person, the property owner and aesthetic impact on another. **Haas:** People have had rats in their cars, snakes in their yards. They don't want the grass so close. **Taylor:** Jeanne and I did visit about this. How many have outdoor pets that leave food out? That brings in mice, racoons, opossums. As for the snakes with as dry as it's been this is the first year where I have lived that there has been a snake in the garage. It's due to the heat and they are looking for cool. **Christiansen:** The comment before. I don't support changing the city ordinance year by year based on drought. That's a mess. **Wright:** I've got 4 words and it's going to sound really rude but I'm going to say it anyway. This is the country. I live in the city and I get mice in my house because my subdivision was built in a hayfield and it's been there for 30 years. **Taylor:** Are we done with this discussion at this point? **Wright:** Rhonda, I would make a suggestion. There might be a slightly mixed opinion. Move to consider it more or table the issue. **Haas:** I move that we put the haying permit

in the language of 8.401 on the agenda for the next meeting. **Wright:** Is there a second for that? From a procedural standpoint there has been a motion made to add this issue to the next agenda. So, if there is not a second that means there is no interest in it and it's just going to die. Is there a second on that motion? Motion died due to the lack of a second.

Maintenance Operator

- Water Pump Update – the north west corner of the pad at pump 3 is cracked.

Haas moved, seconded by Christiansen to allow \$4,342.00 for the water pump bid. Motion carried 4-0

- Edger/Trimmer Attachment

Christiansen moved, seconded by Gilkison to approve the purchase of an edger/trimmer attachment from Tarwater Farm & Home Supply not to exceed \$600, funds to be used from General. Motion carried 4-0

- Rip Rap Update – probably won't be completed in 2023
- New Strawn Library – July 26
- Pin Survey Update
- Chev Dump Truck – Tires

Gilkison moved, seconded by Christiansen to approve the purchase of 4 new tires for the Chevrolet dump truck not to exceed \$1,600, funds to be used from General. Motion carried 4-0

- Flushing Hydrants
- Shutoff Valves

Haas moved, seconded by Christiansen to approve the purchase of flushing hydrants and shutoff valves, not to exceed \$28,000, funds to be used from Water. Motion carried 4-0

- Culverts

Haas moved, seconded by Hernandez to allow Steven to purchase 5 culverts and rock not to exceed \$11,000, funds to be used for Special Highway. Motion carried 4-0

Maintenance Operator Dwight: Paul Richister is doing a good job picking up trash. I would love for all residents to stop throwing their breakfast in front of the Community Center. There are biscuits and gravy containers in front of 16th and Main and in front of the Community Center. **Taylor:** They just throw their trash out? **Dwight:** Oh yeah. I have been collecting it and almost have a trash bag full from the last 6 to 7 months. **Christiansen:** Where is it coming from? **Dwight:** A resident in New Strawn. They go to Casey's in the morning and get biscuits and gravy and they throw it out their driver's window. I do have one video of one truck but I have not caught him in his new truck that they have recently got doing it. I am trying to catch it. They have a pet peeve of coming and complaining. It would be very nice if they would follow their own standards.

City Clerk

- City of Burlington Meeting, July 19, 2023, 5:15 p.m. – Water Rate Increase
City of Burlington will have a special meeting on July 19 (next Wednesday) at 5:15 to discuss the water rate increase. They then plan to pass the ordinance later that evening in a regular meeting. The water rate increase will become effective on September 13. They would like a representative from each community to be present at the 5:15 meeting. The proposed increase is \$2.00 per thousand.

The 2nd ½ of the 2023 Park and Rec grant funds (\$8,178.75) and the infrastructure grant funds (\$49,431.00) were received Wednesday.

We received personally signed thank you notes from the kids at the New Strawn Library for Rhonda taking time to present at “Meet the People” and to the council members for supporting the summer reading program by donating the free fishing licenses.

I will be at a meeting on Monday, July 17th regarding the Federal Cybersecurity Grant Program.

- Community Building Rentals

July – 1st – 5th Radiant Life Youth Fireworks, 8th – 13th Radiant Life VBS, 15th Private Event, 18th I.B.E.W., Afternoon of 20th and morning of 21st I.B.E.W., afternoon of 21st all day 22nd Garage Sale, 29th Private Event, 31st – August 2nd Election
August – 15th I.B.E.W, 23rd John Redmond CORPS Training

City Attorney

Mayor’s Report

- a. Notice of Revenue Neutral Rate Intent – not going to exceed.
- b. Engagement Intent Jarred, Gilmore & Phillips for 2023 Audit

*Christiansen moved, seconded by Hernandez to allow mayor to sign Engagement Intent with Jarred, Gilmore & Phillips for 2023 audit. **Motion carried 4-0***

- c. Engagement Intent Jarred, Gilmore & Phillips for 2024 Budget.

*Gilkison moved, seconded by Christiansen to allow mayor to sign Engagement Intent with Jarred, Gilmore & Phillips for 2024 budget. **Motion carried 4-0***

- d. Budget, September 14, 2023 Notice of Hearing to Exceed Revenue Neutral Rate and Budget Hearing

*Haas moved, seconded by Christiansen to instruct Clerk Johnson to publish page 12 of budget. **Motion carried 4-0***

- e. Contract Janitor

*Gilkison moved, seconded by Hernandez to allow Clerk Johnson to run an ad for contract janitor in The Coffey County Republican. **Motion carried 4-0***

Finance & Economic Development Report – Jeanne Haas

Council Member Haas reported that Phil Jarred had presented the 2022 audit findings and the 2024 proposed budget and everything is on track.

Community Building Report – David Christiansen

Council member Christiansen requested that he be removed from the Community Center Committee. Due to work and two small children, he doesn’t have time to focus on the community center.

Utility Report – Butch Gilkison

- a. Water Usage & Loss Report

Council Member Gilkison presented the Water Usage and Loss Report showing water loss down. He also attended a Lead & Copper update.

Street Report- Rhonda Taylor

- a. Killough Update

Killough has completed all of the 2023 contracted street improvements.

Public Relations Report- Jeanne Haas

- a. Strawnfest 2023 Events – recap

Council member Haas reported that Strawnfest was once again a success. She thanked maintenance Dwight and Richister and Clerk Johnson for getting things ready for Strawnfest. She also wanted to thank Wolf Creek Nuclear Operating Corporation for the use of the grill.

- a. Coffey County Cancer Support Group Donation Request

Haas moved, seconded by Christiansen to approve the donation of \$250 to the Coffey County Cancer Support Group. Motion carried 4-0

Parks & Recreation Report – Johnny Hernandez

INSURANCE/PERSONNEL: - Stephanie Baker

New Business

Christiansen moved, seconded by Gilkison to allow Maintenance Operator Dwight, with discretion from the mayor to eliminate the bradford pear trees. Motion carried 4-0

Adjournment:

Christiansen moved, seconded by Gilkison, to adjourn the meeting at 9:25 p.m. Motion carried 4-0.