



PROCLAMATION

WHEREAS, Mark Perry was a valued employee of the city for many years and;

WHEREAS, Mark Perry's contributions to public work and safety in the city spanned many years and;

WHEREAS, Mark Perry's dedication the cities transformation and modernization of the infrastructure and;

WHEREAS, Mark Perry's friendship and concern for coworkers and citizens of the city alike, and;

NOW THEREFORE, I, Tyler Gottschalk, Mayor of the City of Benton, do hereby proclaim Monday, October 16, 2023, as: **"MARK PERRY DAY"** in the City of Benton and honor Mark's commitment to our city.

PROCLAIMED this 16th day of October 2023.

Tyler Gottschalk, Mayor



A Motion to Approve a Special Drainage District

Moved: The Governing Body of the City of Benton approve the Special Drainage District 1 (attached).



SPECIAL DRAINAGE DISTRICT MAP

CITY OF BENTON, KANSAS
OCTOBER, 2023

Map Information:

- Base Map Information from Butler County GIS.

Legend

- City Limits
- Special Drainage District



250 0 500
Scale: 1" = 500'



A Motion to Adopt Ordinance 2023-11

Moved: The Governing Body of the City of Benton adopt Ordinance 2023-11, Stormwater Drainage Manual (attached).

Ordinance 2023-11

AN ORDINANCE ADOPTING STORM WATER DRAINAGE REQUIREMENTS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BENTON, KANSAS:

SECTION 1. Approve and adopt the City of Benton Stormwater Drainage Manual dated October 2023

Attached

ADOPTED AND PASSED by the governing body of the City of Benton, Kansas on October 16, 2023 and;

APPROVED AND SIGNED by the Mayor.

TYLER GOTTSCHALK, Mayor

ATTEST:

JOYCE CASADY, City Clerk

A Motion to Adopt Ordinance 2023-12 Comprehensive Plan

Moved: The Governing Body of the City of Benton adopt Ordinance 2023-12, Comprehensive Plan 2023-2043 (attached).

RESOLUTION 2023-01PZ

ADOPTING THE
BENTON COMPREHENSIVE PLAN 2023-2043

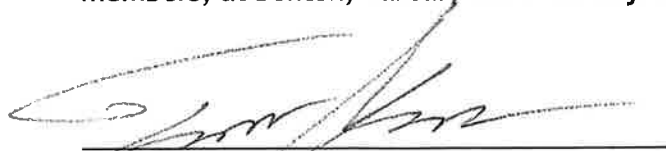
WHEREAS:

- Kansas statutes grant the Benton City Planning Commission **authority** to adopt a comprehensive plan for all of the City plus a certain surrounding area which has an influence on the planning and development of the City. That area, described in the *Comprehensive Plan* as the Planning Area, is all in Benton Township, in Butler County, Kansas.
- As required by K.S.A. 12-743(a), **written notification** of the City's intent to adopt a comprehensive plan which affects property outside the City was provided to the Butler County Board of Commissioners, and to the Township Trustees of Benton Township, at least 20 days prior to the public hearing.
- As required by K.S.A. 12-747(b), the Planning Commission held a **public hearing** on the *Benton Comprehensive Plan 2023-2043*. Public notice of the hearing was published in the official city newspaper on August 29, 2023. The public hearing was held on October 11, 2023, and the Planning Commission heard all comments and remarks relating to the Comprehensive Plan, and gave consideration to all statements.
- As required by K.S.A. 12-747(b), the Governing Body of the City of Benton will be provided with a certified copy of the *Benton Comprehensive Plan 2023-2043*, as well as a copy of this Resolution and a written summary of the public hearing.

TAKING ALL OF THESE FACTS INTO CONSIDERATION,
A MAJORITY OF THE MEMBERS OF THE BENTON CITY PLANNING COMMISSION ARE RESOLVED TO:

1. Adopt the *Benton Comprehensive Plan 2023-2043*, as presented at and revised during this Hearing, as the official comprehensive plan for the City of Benton plus a certain surrounding area in Benton Township, all in Butler County, Kansas.
2. RECOMMEND TO THE CITY OF BENTON GOVERNING BODY THAT THEY APPROVE the *Benton Comprehensive Plan 2023-2043*, as adopted and revised, by publication of an Ordinance.

RESOLUTION APPROVED by at least a majority of all the Benton City Planning Commission members, at Benton, Kansas, this **11th day of October, 2023**.



Tanner Swift, Chair
Benton City Planning Commission

ATTEST:



Kristy Brun, Secretary
Benton City Planning Commission

PLAN ADOPTION CERTIFICATION

I, Kristy Brun⁵, duly elected, authorized, and acting as Secretary of the Benton City Planning Commission, do hereby certify to the Governing Body of the City of Benton, Kansas that the accompanying ***Benton Comprehensive Plan 2023-2043*** was adopted by the Planning Commission on October 11, 2023, following a properly advertised public hearing.

2023-01PZ

Also certified is the accompanying ***Resolution _____ Adopting the Benton Comprehensive Plan 2023-2043*** as revised at the Hearing, and a copy of the **unapproved minutes** of the Benton City Planning Commission meeting of October 11, 2023, which include a summary of the public hearing.

The extent of the Planning Area for the *Comprehensive Plan* is described in detail within the *Plan*. The Planning Area comprises an area of approximately 18.45 square miles in Benton Township, in Butler County, Kansas, and includes the City of Benton.

CERTIFIED as of this 11th day of October, 2021.

A handwritten signature in dark ink, appearing to read 'Kristy Brun', is written over a horizontal line.

Kristy Brun⁵, Secretary
Benton City Planning Commission

ORDINANCE NO. 2023-12

AN ORDINANCE APPROVING THE *BENTON COMPREHENSIVE PLAN 2023-2043*

WHEREAS:

- Kansas statutes grant the Benton City Planning Commission **authority** to adopt a comprehensive plan for all of the City plus a certain surrounding area which has an influence on the planning and development of the City. That area, described in the *Comprehensive Plan* as the Planning Area, is in Benton Township, in Butler County, Kansas.
- As required by K.S.A. 12-743(a), **written notification** of the City's intent to adopt a comprehensive plan which affects property outside the City was provided to the Butler County Board of Commissioners, and to the Township Trustees of Benton Township, at least 20 days prior to the public hearing.
- As required by K.S.A. 12-747(b), the Planning Commission held a **public hearing** on the *Benton Comprehensive Plan 2023-2043*. Public notice of the hearing was published in the official city newspaper on August 29, 2023, and the public hearing was held on October 11, 2023.
- On October 11, 2023, the Benton City Planning Commission approved Resolution 2023-01pz, adopting the ***Benton Comprehensive Plan 2023-2043***.
- As required by K.S.A. 12-747(b), a certified copy of the *Benton Comprehensive Plan 2023-2043*, a written summary of the public hearing, and a copy of the Planning Commission Resolution adopting the *Plan* were submitted to the Governing Body for consideration.
- A certified copy of the *Benton Comprehensive Plan 2023-2043*, as approved by the Governing Body on October 16, 2023, is on file in the City Clerk's office.

TAKING ALL OF THESE FACTS INTO CONSIDERATION, THE GOVERNING BODY OF THE CITY OF BENTON, KANSAS, NOW HEREBY ORDAINS:

Section 1. Plan Approval

The *Benton Comprehensive Plan 2023-2043*, as adopted by the Benton City Planning Commission, is approved as the official comprehensive plan for the City of Benton, Kansas, and its Planning Area, for the Planning Period from 2023 through 2043. The *Benton Comprehensive Plan 2023-2043* will supersede any previous Comprehensive Plans prepared for the City of Benton.

Section 2. Distribution

As required by K.S.A. 12-747(c), an attested copy of the *Benton Comprehensive Plan 2023-2043* will be sent to all other taxing subdivisions in the Planning Area which request a copy.

Section 3. Annual Reviews

At least once a year, the Planning Commission must review or reconsider the *Benton Comprehensive Plan 2023-2043*.

Section 4. Amendments, Extensions or Additions

The Planning Commission may propose amendments, extensions or additions to the *Benton Comprehensive Plan 2023-2043* as they deem appropriate. As required by K.S.A. 12-747(d), any amendments, extensions, or additions must be adopted in the same manner as the original comprehensive plan.

Section 5. Effective Date

This Ordinance becomes effective upon its passage and publication once in the official city newspaper.

PASSED BY THE BENTON CITY COUNCIL
this 16th day of October, 2023.

APPROVED BY THE MAYOR
this 16th day of October, 2023.

/S/ _____
Tyler Gottschalk, Mayor

(S E A L)

ATTEST:

/S/ _____
Joyce Casady, City Clerk

APPROVED AS TO FORM:

/S/ _____
Robert Lane, City Attorney

A Motion to Adopt Ordinance 2023-13 Zoning Amendment

Moved: The Governing Body of the City of Benton adopt Ordinance 2023-13, R-3 Rural Residential District (attached).

Ordinance 2023-13

AN ORDINANCE AMENDING THE ZONING REGULATION OF THE CITY OF BENTON, ARTICLE 4, ZONING DISTRICTS.

WHEREAS:

- The City of Benton Kansas, planning for growth and expansion of the city, and..
- The City of Benton Kansas embraces and acknowledges the need for more rural style living availability.
- The City Planning Commission recommends adoption of this amendment.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BENTON, KANSAS:

SECTION 1. Amends the Zoning Regulation (dtd 10/3/15) of Benton Kansas as follows:

Article 4 –

Add – Section 103.1, R-3 Zoning District

Section 103.1 R-3 Rural Residential District.

The regulations set forth in this Article or set forth elsewhere in these regulations when referred to in this Article, are the regulations in the Rural Residential District (RR). The purpose of this District is to provide for platted, low-density developments which retain the character of a rural area.

This District is intended to serve as a transition area between agricultural lands and low-density development located in the periphery area of the urban growth area (UGA). It is suitable in rural locations inside the UGA where adequate public roads and public services are available, but it is not suitable in all rural locations. It is inappropriate in areas predominately agricultural in character where public services are adequate only to meet the needs of farm residences and farm operations.

Minimum size is 3 acres with a maximum of 12 acres per lot. For a property to be considered for a Rural Residential classification, that property must be annexed into the City between 3 and 12 acres. Any properties outside of this range will be Annexed in as R1

Use of alternative waste treatment or septic system is authorized with the additional requirement of a minimum 5 acre lot for use of a lagoon. Chapter 15, Article 3 of the Benton City Code applies to all sewer systems.

A. Permitted Uses.

1. Single-family dwellings: All single-family residences shall be constructed in accordance with all City-adopted building-related codes. Single-family dwellings shall include residential-design manufactured homes but shall not include other manufactured homes, mobile homes or trailers.
2. Home occupations permitted in the R-1 and R-2 Districts.
3. Churches and parish halls, temples, convents and monasteries.
4. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding and watering stations.

B. Conditional Uses.

1. Those Conditional uses permitted in the R-1 Residential District.
2. Riding stables located on lots less than ten (10) acres, but more than five (5) acres, in area.

C. Height, Area, and Yard Requirements.

In the Rural Residential District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows:

1. Height: Nonagricultural buildings or structures shall not exceed thirty-five (35) feet and/or two and one-half (2-1/2) stories in height.
2. Front Yard: The depth of the front yard shall be at least seventy-five (75) feet.
3. Side Yard: There shall be a side yard on each side of a dwelling. No side yard for a dwelling shall be less than fifty (50) feet and no side yard for an accessory structure shall be less than twenty-five (25) feet.
4. Rear Yard: The depth of the rear yard shall be at least fifty (50) feet for a residential structure and 25 feet for a non-residential accessory structure.
5. Lot Dimensions: The minimum width of a lot shall be two hundred seventy (270) feet. The minimum depth of a lot shall be two hundred seventy (270) feet.

There shall not be a lot depth-to-width ratio greater than 3:1 (i.e. the depth of the lot cannot be greater than three times the width of the lot). In the event of unusual lot configurations, the Zoning Administrator shall determine whether the lot dimensions meet the spirit and intent of this requirement.

6. Lots with dimensions other than the above stated shall be “Grandfathered” when annexation to the city occurs.

D. Development Standards.

The following standards shall apply to any permitted or conditional use within the RR District:

1. Those standards that are required of uses in the R District.

E. Parking Regulations.

The parking regulations are found in Article 5. Off-street Parking and Loading of these regulations.

F. Sign Regulations.

The sign regulations are found in Article 7. Signs of the regulations.

ADOPTED AND PASSED by the governing body of the City of Benton, Kansas on October 16, 2023 and;

APPROVED AND SIGNED by the Mayor.

TYLER GOTTSCHALK, Mayor

ATTEST:

JOYCE CASADY, City Clerk

A Motion to Adopt Ordinance 2023-14 Animal Keeping

Moved: The Governing Body of the City of Benton adopt Ordinance 2023-14, Animal Keeping (attached).

Ordinance 2023-14

AN ORDINANCE AMENDING Chapter 2, Article 1, Paragraph 2-109 of the Benton City Code

WHEREAS:

- The City of Benton Kansas has amended the city zoning regulation to include a R-3 Rural Residential District, and;
- The city, in the spirit of allowing for a more rural setting in the R-3 district.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BENTON, KANSAS:

SECTION 1. Chapter 2, Article 1, Paragraph 2-109 of the Benton City Code

Add-

Subparagraph (g)

(g) R-3 Zoning District, not more than:

- (1) Rabbits and fur-bearing animals such as but not limited to mink, chinchilla, and hamsters—Ten
- (2) Nanny goats—Five
- (3) Large domestic animals, including but not limited to bovine cattle and horses, in numbers that exceed the following per acre scale:
 - a) 2.0 to 3.00 acres—Two large domestic animals.
 - b) 3.01 to 5.00 acres—Three large domestic animals.
 - c) More than 5.00 acres—Three large domestic animals, plus one large domestic animal per each additional 2.50 acres.
- (4) Multiple adjacent lots under one ownership shall be calculated as a single lot according to the above per acre scale.
- (5) On a property located within the R-3 Residential District or upon a property five or more acres in size, no person shall own, keep, harbor, or possess any animals in numbers so large as to constitute a hazard to public health or safety, or keep exotic animals as determined by the code enforcement officer.
- (6) Limitations in this paragraph shall not apply to lots in excess of 10 acres.

ADOPTED AND PASSED by the governing body of the City of Benton, Kansas on October 16, 2023 and;

APPROVED AND SIGNED by the Mayor.

TYLER GOTTSCHALK, Mayor

ATTEST:

JOYCE CASADY, City Clerk

2-109. Keeping animals.

It shall be unlawful for the owner, lessee, occupant or person in charge of any premises in the city to possess and maintain any animal or fowl within the city or permit to be maintained thereon any stable, shed, pen or other place where horses, mules, donkeys, cattle, sheep, goats or swine, or undomesticated animals are kept. This provision shall not apply to:

(a) The maintaining of a stockyard or sales barn for the loading, unloading, temporary detention and sale of such livestock, if the location of such stockyard or sales barn does not otherwise violate the zoning ordinances of the city;

(b) The maintaining of dogs which are regulated by Article 2 of this chapter;

(c) The maintaining of non-poisonous and non-vicious animals and fowl which are commonly kept as household pets, such as cats, hamsters, rabbits, parakeets, and comparable animals, when kept as household pets and in a safe and sanitary manner in accordance with section 2-113 of this chapter;

(d) The transporting of animals through the city by ordinary and customary means.

(e) Any temporary permit for the keeping and harboring of such animals granted by the governing body for good cause shown.

(f) The maintaining of domestic fowl, specifically limited to chickens and ducks, is authorized, subject to the following provisions.

(1) Permit required. No person shall raise, harbor, or keep birds within the city without a valid permit obtained from the City.

(2) Application. In order to obtain a permit, an applicant must submit a completed application on forms provided by the City and pay all dues required.

(3) Requirements. The requirements to obtain a permit include:

(A) Payment of annual fee of \$25.00.

(B) The tract of land to be permitted shall contain only one Single Family Dwelling occupied and used as such by the permittee.

(C) Annual renewal of permit.

(4) Revocation of permit. The permit may be denied, revoked, or suspended for any of the following reasons:

(A) False statements relative to this section given by the applicant.

(B) Failure to pay permit fee.

(C) Failure to permit inspection.

(D) Failure to correct deficiencies specified as a result of an inspection.

- (E) Failure to comply with any provisions of this section.
- (5) Quantity. The quantity of birds is limited to 10 per tract.
- (6) Structure. The birds shall be housed in a secure, fully enclosed structure located not closer than 50 feet to any residential structure on a neighboring lot and constructed as follows:
 - (A) To eliminate the emanation of noxious odors and sounds.
 - (B) To provide adequate drainage, allow normal drying, and prevent standing water.
 - (C) To prevent the entry of predators.
 - (D) To allow a minimum of 4 square feet per bird.
 - (E) Or new or like-new materials and assembled in a manner aesthetically attractive and consistent with the neighborhood.
- (7) Cleanliness. The structure housing the birds shall be kept sanitary and free from waste and manure.
- (8) Humane treatment. Birds shall be treated humanely at all times.
- (9) Predators, rodents, and infestations. Owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasite. Birds found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be compelled to be removed by action of the City, such removal to be effected by the owner.
- (10) Inspection. Owner shall submit to inspection during reasonable hours by persons authorized by the City. If such inspector determines from such inspection that the premises are not being maintained in a clean, sanitary, and humane manner, the inspector shall notify the owner in writing to correct the deficiencies with 48 hours after notice is served. Non-compliance may result in birds being compelled to be removed by action of the City, such removal to be effected by the owner.
- (11) Roaming. Birds shall not be allowed to roam freely in the city, except that birds shall be allowed to roam freely on owner's property behind a privacy fence, minimum 6 feet in height, birds not to be visible from the street of adjacent properties.
- (12) Roosters. Roosters and Guinea fowl shall not be allowed.
- (13) Unoccupied structure. A structure placed for purposes of housing birds consistent with this section shall be removed by the owner of the residential tract once it has been unused for 6 months.

(g) R-3 Zoning District, not more than:

- (1) Rabbits and fur-bearing animals such as but not limited to mink, chinchilla, and hamsters—
Ten

(2) Nanny goats—Five

(3) Large domestic animals, including but not limited to bovine cattle and horses, in numbers that exceed the following per acre scale:

a) 2.0 to 3.00 acres—Two large domestic animals.

b) 3.01 to 5.00 acres—Three large domestic animals.

c) More than 5.00 acres—Three large domestic animals, plus one large domestic animal per each additional 2.50 acres.

(4) Multiple adjacent lots under one ownership shall be calculated as a single lot according to the above per acre scale.

(5) On a property located within the R-3 Residential District or upon a property five or more acres in size, no person shall own, keep, harbor, or possess any animals in numbers so large as to constitute a hazard to public health or safety, or keep exotic animals as determined by the code enforcement officer.

(6) Limitations in this paragraph shall not apply to lots in excess of 10 acres.



PROJECT SUMMARY

REPORT DATE	MEETING DATE	PREPARED BY
10/8/2023	10/16/2023	M. Engels

STATUS SUMMARY

CONCENTRATED PROJECT UPDATE

TASK	% DONE	DUE DATE	NOTES
Annexation	Ongoing	Ongoing	Legal Descriptions in progress.
			Consolidation Ordinance of Wellbrock properties requested by Butler County – deadline of 2024.
			Working on Rural Residential tool
Comprehensive Plan	95	Continuous until complete	P/Z Hearing on 10/11/2023 Recommendation to Council
			On agenda for Council

TASK	% DONE	DUE DATE	NOTES
Cottonwood Pond	95	2024	Topsoil spread and seed ordered.
Dog Park/Bike Track	75		Trees planted, trees to be trimmed, corner posts

Admin:

What a month. We are putting bows on some intricate projects this month.

Comp Plan, Annexation, and sales tax informational work has kept me busy.

Legal descriptions are still in the works for two Ordinances before the end of 2023.

I met with Ideatek about the feasibility of a trunk line to Stearman Estates.

Worked with contractors on new builds and utility installations.

Butler County Managers Meeting on 9/22.

Met with Seniors to secure grant for tables/chairs/AED/First Aid Kit/fridge for the Comm Bldg.

Met with the Church to coordinate Trunk or Treat, which is 10/29 from 2-5pm.

Delivered informational flyers on every street.

Met with Scout Zach May on his project to restripe the tennis courts.

Coordinated P/Z meeting for Comprehensive Plan and additional RR zoning category.

Maintenance:

We've had positive feedback from citizens on fixing, cleaning, cutting, and generally making things better. We'll keep it up.

Stop signs are up along with a 20mph on Durley.

Re-worked the leaf/limb area for ease of use. This will free up the trailer for a rent-a-trailer program. I'll put the numbers together for that and get them to you.

Stripes on Main and 20th.

New drinking fountain for the park.

It's almost time for the summer to winter changeover, with winterizing the Pavilion, vehicle maintenance, and prepping the plows.

Fixed a broken curb in Norris Court.

Installed new refrigerator – cleaned, prepped, and painted area.

5 trees planted on 20th.

Finished drainage on 20th.

Pothole patches.

Dead end sign completed.

New trash cans in the Community Building.

Trimmed trees.

Storm Shelter signs and new stop signs at the Middle School.

Built a water trailer for the John Deere.

Stearman lift update completed (finally).

Executive Session motion

Moved:

That the governing body recess into executive session IAW K.S.A. 75-4319(b) to discuss non-elected personnel matters/attorney client privilege. Further, required to attend this session is the Mayor, City Attorney, City Administrator and the City Council. Further, that the governing body return to open session at _____PM