

**CITY OF LOUISBURG, KANSAS
MINUTES OF REGULAR MEETING
APRIL 17, 2017**

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, Kalee Smith, Bill Smith, Dave Maddax,
Carol Aust
City Administrator Nathan Law
City Clerk
City Attorney Kelly Stohs
Police Chief Tim Bauer
Planning & Zoning Assistant Jean Carder
Press John VanPelt
Visitors: Scott Allen, Andy Nowachek, Raymond McLanahan, Mike McClellan

PLEDGE OF ALLEGIANCE

Councilmember Dave Maddax led the pledge of allegiance.

APPROVAL OF CONSENT AGENDA

Administrator Law asked that item No. 10A Annual Audit be moved to in front of the Recognition of Scheduled Visitors.

Councilmember Steve Town moved and Councilmember Dave Maddax seconded to approve the consent agenda to include adoption of the agenda and approval of the April 3, 2017, minutes and bills list. Motion passed 5-0.

VISITORS

Annual Audit – 2016: Sean Gordon with the auditing firm Mize & Houser presented the 2016 Audit of Financial Statements for the year ending Dec. 31, 2016. Mr. Gordon gave the Council a brief overview of the audit results. Mr. Gordon said the City earned the highest marks as allowed under Kansas law and Staff gets an A+ for its budgetary efforts. There were five recommendations that were given to Staff to pursue for the next budget year. Administrator Law told Council that steps have already been taken to address the five recommendations.

Councilmember Kalee Smith moved and Councilmember Town seconded to receive and accept the audit. Motion passed 5-0.

Scott Allen of Timber Creek Bar & Grill asked the Council for permission to set up an outdoor bar for its May 20 Kansas Heart Foundation motorcycle run. Mr. Allen asked the Council since this is an annual event with no significant changes in the future Staff could represent him in making the request. Administrator Law said there have been no significant issues with this event. Councilmember Aust asked if Council wanted to allow Staff to represent such requests and thought it might be a good idea for each applicant to address Council. The Council discussed the issue. Mr. Allen said it was not a problem for him to come on a yearly basis. The Council's consensus was to have applicants request such permission for each event. Councilmember Kalee Smith moved and Councilmember Bill Smith seconded to approve the event at Timber Creek this year. Motion passed 5-0.

Andy Nowachek, of the local Farmers Market group, reported to the Council the market will be opening sometime in June but a date has not been set yet. It will depend on the growing season and availability of local crops. He asked if the Broadway construction project might affect parking along Mulberry Street. Administrator Law said the construction would occur during normal business hours Monday through Friday and business employees may park there but that would likely just be Monday through Friday. Mr. Nowachek said the market is all about local produce and supports local growers and crafters. He said the market organizers would like to install a new sign at the market location. He asked if temporary signs still had the 21-day limit and Administrator Law verified that was correct. Mr. Nowachek thanked the City for providing a porta-potty at the location. He related a story in which a market visitor from Texas said the Louisburg market is the most friendly and courteous of all the markets she had visited on her trip. Councilmember Aust asked about Twist Hair Design parking. Administrator Law again reviewed the Broadway project. Broadway will be closed about 90 days. After that work is complete, the second phase will move to the side streets so those will be closed at that point. Councilmember Aust asked if the Mulberry parking improvements will close the street. Administrator Law said yes but only when work is being done on that section of the parking area. Mr. Nowachek said in the past there had been an abandoned vehicle parked in the Mulberry Street parking area. He also asked if construction equipment will be using that area to park. Administrator Law said construction equipment will be parked in other staging areas along Broadway. Councilmember Kalee Smith asked Mr. Nowachek if it would be an option for them to move to a different location for the summer. Mr. Nowachek said the current location is an ideal location with the many shade trees

and it is easy for senior drivers to get to. Councilmember Town reminded the farmers market vendors that they might see increased traffic along Mulberry since Broadway will be closed most of the summer.

Raymond McLanahan, representing the Louisburg Library board, was in attendance but did not have anything new to report for the library.

Mike McClellan, the Park Board Lewis-Young Park representative, brought forth a Park Board recommendation to the Council to grant Public Works supervisor Craig Hufferd or Mr. McClellan the authority to close ball fields at LYP during inclement weather. Mr. McClellan stated that he, other volunteers and city staff have been working hard to get the ball fields in better shape. He said while the fields do drain after heavy rains if individuals or teams practice right after a rain it can cause rutting and other issues in the fields. The Park Board agreed if the fields could be closed in heavy rain instances that it would allow city staff and volunteer crews the opportunity to prep the fields without needing to do patch work or spend extra time fixing the problems. Mr. McClellan said in the event of a field closure he thought it would only require a one-day closing. Mr. McClellan said that he or Mr. Hufferd would let the City Clerk know to notify local rec teams of any closures. Councilmember Aust asked if the high school would be informed. Mr. McClellan said the high school would be aware as their staff helps prep the fields for high school games. Mayor Southard asked Administrator Law what staff's opinion is. Administrator Law said the process of closing the fields should have a demonstrative process for closing the fields and for notifying users and either providing an alternative date or a refund. Administrator Law said he previously told Mr. Hufferd that he would need to come up with a plan to notify teams/coaches of closure and that it would not just be to put up a sign on the field. Mr. McClellan said that there would be a conversation with all users to inform them of the intent to get the fields in better shape and by closing in the event of heavy rains allows for better field conditions without volunteers or city staff spending extra time prepping the fields. Councilmember Town moved and Councilmember Maddax seconded to allow Craig Hufferd and Mike McClellan the authority to close the fields in the event of heavy rains. Motion passed 5-0. Councilmember Aust asked who turns on the lights at the fields as she attended the first high school game there and the lights were on in the early afternoon. Mr. McClellan said a school official turns them on and off but lights were turned on earlier than usual at the first game as they were checking lights and wanted to make sure they were working properly.

PUBLIC COMMENTS

None

DEPARTMENT REPORTS

Police Chief Tim Bauer told Council the police department staff applied for and was awarded a grant to add additional mobile video recording systems and to replace those that have reached the end of their life expectancy. The \$18,000 grant was funded by the Roman Foundation as managed by First Option Bank. Body cameras will be included in this purchase, Chief Bauer said.

Administrator Law said the fire department received a similar grant from the Roman Foundation in the amount of \$23,760 to be used for bunker gear. Councilmember Aust asked Councilmember Town, as he is the most senior member of the Council, if he recalled any time the fire department personnel had made a report to the Council. Councilmember Town said the fire department report is included in the administrative report. Administrator Law said he was sure that Chief Richards would be happy to attend a meeting if asked. After discussion, Mayor Southard suggested Chief Richards attend a meeting once a quarter.

CITY ATTORNEY'S REPORT

None

COUNCIL REPORTS

Councilmember Carol Aust: Councilmember Aust asked about the lawsuit with Agape Center. Administrator Law reminded Council that it is not a lawsuit but a civil matter and is currently in the court system. The judge or prosecutor sets deadlines for requirements.

She asked if Council wanted to talk about the city-wide beautification efforts with the city-wide clean-up approaching. It was decided to discuss this after the nuisance code discussion.

Councilmember Aust asked if the city would send a thank-you letter to Garmin for donating activity trackers to the band to help them prepare for the Rose Parade. Administrator Law said he would be happy to draft something. Mayor Southard asked him to share the draft with him.

Councilmember Dave Maddax: None.

Councilmember Steve Town: None.

Councilmember Kalee Smith: None.

Councilmember Bill Smith: None.

MAYOR'S REPORT

Arbor Day poster contest: Mayor Southard asked if all council members had an opportunity to vote on the Arbor Day poster contest. Administrator Law said staff would tally the results and notify the school later in the week.

Arbor Day Proclamation: Mayor Southard read the Arbor Day Proclamation. Councilmember Bill Smith moved and Councilmember Town seconded to accept and approve the proclamation. Motion passed 5-0.

Recreation Commission Members: Mayor Southard said the city interview team had chosen the two representatives to be the appointees to the Rec Commission. They are Greg Prettyman for a three-year term and Brock Elliott for a two-year term. Those terms start Jan. 1, 2018. The school district selected Sam Long for a four-year term and Scott Hipp for a one-year term. Those members may start researching bylaws and preparing for their first meeting sometime after Jan. 1. All meetings will be open to the public, Administrator Law reminded the Council. Councilmember Kalee Smith asked if LARA will continue operations. Administrator Law said the recreation commission would have to accept to absorb groups such as LARA and they won't be able to do that until their first official meeting after Jan. 1. The Mayor reported the city interviewed four applicants.

ADMINISTRATOR'S REPORT

Parking Code Change: Administrator Law said if any neighbor is willing to file a written complaint about parking to the city following the change to code language, then that the complaint would be investigated by staff and police. Administrator Law said the Council could consider adding wording to the City Code that would prohibit a person from parking a motor vehicle on any public street or property continuously for a period other than 48 hours. He said if the Council were to change the word "and" to "or" then that would change the

interpretation. Councilmember Town asked what about potential senior citizens in the older part of town that don't have garages that might only drive once a week. Their car might be parked longer than 48 hours, he said. Councilmember Kalee Smith said she has the same concern. Administrator Law said enforcement could be more heavily weighted on the complaint side – a written complaint could be required rather than a phone call. Councilmember Bill Smith said there are several residents in his neighborhood that work longer shifts on fewer days of the week and cars can be parked longer than 48 hours on their off-shift days. He also cited a person in his neighborhood who is elderly that this change could negatively impact. Councilmember Bill Smith said he disagrees with this proposal and thought that the police or public officer would have the discretion to ticket. He said this causes additional workload and asked if the City really wanted to devote that much manpower to a handful of vehicles. City Attorney Stohs said the code would have to be applied equally and that it should not be open to officer discretion. No action was taken by Council. Councilmember Maddax asked what happens to the complaint lodged at the previous Council meeting. Administrator Law said the complaint is void because the vehicle is properly tagged and is legal. Councilmember Town said he drove past the vehicle in question and it isn't parked near an intersection, which in his opinion would be a bigger problem.

City-Owned Property Appraisal: Administrator Law said there is an option to save between \$200 and \$1,000 to have multiple properties appraised at the same time. He asked Council if they would like to have other vacant city-owned properties appraised. This would include the property bound by Mulberry and Doyle and S. First and S. Second streets, and the two vacant lots located on the east side of Metcalf Road between Amity Street and the fire station. The other city-owned properties are located near the sewer lagoons and aren't targets for appraisal. Councilmember Aust noted if the city decided to sell the property at Mulberry Street the Farmers Market would not have a location. Administrator Law recommended to Council to have the three properties appraised. Councilmember Town moved and Councilmember Bill Smith seconded to have the three properties in question appraised. Councilmember Dave Maddax asked what the cost might be. Administrator Law said it should cost between \$750 and \$3,000 depending on the detail requested in the final appraisal. Motion passed 5-0.

Nuisance Code Enforcement: Administrator Law said there is a legal process that cities must follow per state law in dealing with nuisance codes. He said Rusty Whitham, the city's planning and zoning coordinator, went through the entire city in the past several days and documented and tallied the quick and easy code violations. There were about 100 such cases that included peeling paint, brush

piles, sign violations and junk vehicles. Administrator Law said he would like to see a steady approach to addressing nuisance code enforcement and suggested that staff continue with the items that are worse this time of year like grass, weeds and brush piles that could harbor rodents. Junked vehicles on streets are already being addressed. Administrator Law explained when addressing environmental code staff has to look at the entire neighborhood and address the very worst offender within that neighborhood. Only one property at a time can be addressed, he said. There is a process to show that each property is treated fairly and individually, he said. Costs include sending certified letters. Administrator Law said police or staff could serve paperwork to the homeowner but that has the potential to turn violent. Administrator Law reminded Council that if they want Staff to be aggressive with enforcement that isn't a problem but Council needs to be prepared to take phone calls from residents. He also reminded Council that if the person requests a hearing that Council conducts that hearing. Councilmember Aust asked how important Council feels this is in the community. She asked if there are options for elderly or disabled persons that might not be able to do the necessary repairs or clean-up. She thought there might be high school or church groups that could volunteer to assist these persons. Administrator Law said staff can provide names of people who are willing to volunteer but in his experience sometimes homeowners are ok with seeing how far the city is willing to push the enforcement. Councilmember Aust said there are people that are willing to ignore the fines. Councilmember Bill Smith asked if there are repeat offenders who do just enough to satisfy staff. Administrator Law said there are some repeat offenders but the majority of code issues are not repeat offenders. Councilmember Aust asked if progressive fines would be helpful. Administrator Law said there are minimum and maximum fines on some violations but often it's a per day fine and if the violation is in the court system then it's up to the city prosecutor and judge to determine how the fine is counted. Councilmember Kalee Smith asked Administrator Law what he would like Council to do. Administrator Law said it is up to Council but he would recommend a steady approach and look at four to five violators per month. Administrator Law said reports to Council on enforcement would be in summary form rather than a per property format. Councilmember Kalee Smith asked if it were possible to post on the website or on Facebook that nuisance codes would be enforced and to encourage people to use the city-wide clean-up day. She asked if trash would be picked up at homes that are vacant on that day. Administrator Law said he did not know. Administrator Law said staff will focus on the environmental code violations and approach it in a steady manner. He said Council will be updated on the results of the process.

ADJOURNMENT

At 7:42 p.m. Councilmember Dave Maddax moved, seconded by Councilmember Bill Smith to adjourn the meeting. Motion carried 5-0.

Approved:

Marty Southard, Mayor

Attest:

L. Jean Carder, acting City Clerk