

**LOUISBURG CITY COUNCIL
REGULAR MEETING
MARCH 2, 2020
6:30 P.M.**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. CONSENT AGENDA
 - A. Adopt Agenda
 - B. Approval of Minutes of the Regular Meeting February 18, 2020
 - C. Approval of the Bills
4. RECOGNITION OF SCHEDULED VISITORS
 - A. Cynthia Bloom – 100 S. 16th Terr.
5. PUBLIC COMMENTS: Persons who wish to address the Mayor and City Council regarding items not on the agenda may do so at this time. Speakers will be limited to three (3) minutes. Any presentation is for informational purposes only.
6. DEPARTMENT REPORTS
7. CITY ATTORNEY’S REPORT
8. COUNCIL/LIAISON REPORTS
9. MAYOR’S REPORT
 - A. Elizabeth Sweeney-Reeder – KOMA/KORA Training
10. ADMINISTRATOR’S REPORT
 - A. 2020 Street Work Bids
 - B. Tobacco Use in Parks
 - C. Deannexation of 0.36 Acres
11. ADJOURNMENT

**CITY OF LOUISBURG, KANSAS
MINUTES OF REGULAR MEETING
FEBRUARY 18, 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. Councilmember Thorvald McKiernan was absent.

Council Members Steve Town, Kalee Smith, Sandy Harris, Donna Cook
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 Doug Carder
Visitors Boy Scout Troop 101, Nathan Thompson

PLEDGE OF ALLEGIANCE

Boy Scout Troop 101 led the pledge of allegiance.

APPROVAL OF CONSENT AGENDA

Councilmember Steve Town moved, seconded by Councilmember Kalee Smith. Councilmember Harris asked a question regarding one of the bills. Motion carried 4-0, to approve the consent agenda to include adoption of the agenda, approval of the regular meeting February 3, 2020 minutes and bills list.

VISITORS

Nathan Thompson presented information asking for Council permission to close part of the street from 1208 Starbrooke Drive to 1217 Starbrooke Drive to welcome home a neighbor that has been serving in Afghanistan. Thompson has signatures of all 6 homeowners that would be affected by the closing of the street. The homecoming is scheduled for the end of March. Chief Bauer and Chief Rittinghouse had no concerns. Councilmember Sandy Harris moved, seconded by Councilmember Donna Cook. Councilmember Town asked if traffic could still get around by using the next street. Yes, Thompson said that would be open for all

other traffic. Motion carried 4-0, Council asked Thompson to get in touch with the Police Chief once they know that actual date.

PUBLIC COMMENTS

None

DEPARTMENT REPORTS

Fire Department: Fire Chief Gerald Rittinghouse presented information on new furniture for the day room at the Fire Station. Councilmember Harris asked if firefighters usually spend time there. Chief Rittinghouse said volunteers will come and go during the day. If they have been on a fire call, some may spend up to three hours sitting and talking at the picnic bench located in the bay area. Councilmember Kalee Smith moved, seconded by Councilmember Donna Cook and carried 3-0-1, (Town abstained) to approve the dayroom updates for the Fire Station.

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. Pamela Talley has applied and successfully completed the Police Department's hiring process to become a police officer with a paygrade of 2-4-B. Councilmember Cook asked if officers had to live inside the city limits. Chief Bauer said there is no residency requirement, but officers have to learn the Kansas laws and graduate from the Law Enforcement Academy. Mayor Southard mentioned the Academy's graduation ceremony is very nice and encouraged council members to attend future ceremonies, if possible. Councilmembers asked how many full-time and part-time officers are there. Chief Bauer said including himself there are 8 full-time, 3 part-time and 2 officers on medical leave. The department was approved for 13 full-time officers in 2020. Councilmember Steve Town moved, seconded by Councilmember Sandy Harris and carried 4-0, to accept the hire of Pamela Talley as requested.

CITY ATTORNEY'S REPORT

None

COUNCIL REPORTS

Councilmember Harris: Councilmember Sandy Harris said that the stormwater work on Broadmoor at the Lake is looking fantastic.

Councilmember Smith: Councilmember Kalee Smith asked if that huge pothole by Price Chopper has been reported. City Administrator Nathan Law said office staff has been in contact and property owners were receptive to fixing it. Mr. Law reminded council members the access road is on private property.

MAYOR'S REPORT

2020 Appointments: Mayor Marty Southard presented the 2020 Appointments. Councilmember Cook asked about how vacant positions on commissions are filled. Mayor Southard responded that information is posted on our City Website, Facebook and in the quarterly newsletter. Mayor Southard said there will be an opening on the Park Board in a few more months. Councilmember Cook asked what are the responsibilities of being a council liaison. Mayor Southard said Councilmember Cook is on finance and without regular meetings there isn't a whole lot for finance. Councilmember Harris asked about the Fox Hall and Cemetery Board. How often do they meet? Communications Coordinator Jean Carder said they are meeting at least once a quarter since the remodeling of the Fox Hall. Councilmember Smith said she likes it when the Councilmember goes to the commission/board meetings and reports back to the Council. Mayor Southard encouraged Councilmembers to continue with those reports. Councilmember Kalee Smith moved, seconded by Councilmember Sandy Harris and carried 4-0, to approve the 2020 Appointments.

Mayor Pro-Tem: Councilmember Kalee Smith moved, seconded by Councilmember Sandy Harris and carried 3-0-1, (Town abstained) to elect Steve Town as the Mayor Pro-Tem.

ADMINISTRATOR'S REPORT

Land Lease Agreement for Lewis-Young Park: City Administrator Nathan Law said since 2017 there has been a process to accommodate bidding of a multi-year lease for hay ground at Lewis-Young Park. Staff placed an ad in the paper January 8, 2020, to solicit closed bids to farm this property. The bidding process ended at noon February 1, 2020. The ad stated that this lease would be for a five-year period (March 1, 2020 through March 1, 2025). The City received one closed bid. The bid came from Babe Cutshaw amounting to an annual payment of \$350 for a five-year lease. Councilmember Cook asked about fertilizer for that land. Administrator Law said that is up to Cutshaw to make that decision.

Councilmember Kalee Smith moved, seconded by Councilmember Donna Cook and carried 4-0, to approve the land lease agreement for haying operations with Babe Cutshaw and have Mayor Southard sign the agreement.

Farming Agreement for City-Owned Property: Administrator Law said there has been a process to accommodate bidding of a multi-year lease for farm ground located on S. Rogers Road since 2017. The last contract signed February 6, 2017, was a three-year lease agreement to farm approximately 21 acres at 29146 South Rogers Road with Greg Foote Farms, and will expire on March 1, 2020. Foote Farms has been farming the land since 2000 and under this agreement paid the City \$2,783 each year for use of the land. Staff placed an ad to solicit closed bids to farm the property. The ad stated that this lease would be for a five-year period (March 1, 2020 through March 1, 2025.) The City received two bids. The highest bid returned was from Greg Foote Farms, amounting to an annual payment of \$2,105 for a five-year lease. Councilmember Kalee Smith moved, seconded by Councilmember Sandy Harris. Councilmember Town found a typo in the agreement that will be corrected. Motion carried 4-0, to approve the land lease agreement for farming operations with Greg Foote Farms and have Mayor Southard sign the agreement.

Thank You Notes: Mayor Southard read a thank you note from Nathan Law's Family in regards to the flowers sent to his father's funeral.

Mayor Southard thanked City Staff for hosting the open house for Fox Hall. It was well attended by the Community.

ADJOURNMENT

At 7:00 p.m. Councilmember Sandy Harris moved, seconded by Councilmember Steve Town and carried 4-0, to adjourn the meeting.

Approved:

Marty Southard, Mayor

Attest:

Traci Storey, City Clerk

BILLS TO BE APPROVED 03/02/2020

VENDOR	AMOUNT	DEPARTMENT
ANC CUSTOM SOLUTIONS	\$600.00	RELAY EQUIPMENT - FOX HALL
BLUE CROSS/BLUE SHIELD	\$23,198.72	INSURANCE - ALL
BP	\$2,518.75	FUEL - ALL
CCMFOA OF KANSAS	\$150.00	MEMBERSHIP - ADMIN
CREATIVE DISPLAYS INC	\$97.50	REPLACEMENT BULBS - STREETS
CROSSLAND HEAVY CONTRACTORS	\$541,728.06	WWTP PAY APPLICATION #7
DAMON M DENNIS	\$50.00	PHYSICAL - PUA
FAMILY CENTER OF PAOLA	\$354.04	EQUIPMENT/SUPPLIES - PUA,PWD
JJ CLEANING	\$1,000.00	CLEANING - CITY HALL & PD
JOHN DEERE FINANCIAL	\$807.82	EQUIPMENT - FIRE, POLICE, PWD
KANSAS MUNICIPAL GAS	\$44,072.30	NATURAL GAS
KCPL	\$9,751.78	ELECTRICITY - ALL
KS ASSOC OF CITY/COUNTY	\$200.00	MEMBERSHIP - ADMIN
MDC PUA	\$83,419.39	WATER
MI CO REGISTER OF DEEDS	\$38.00	RECORDING FEES - BZ
MO-KAN DIAL, INC.	\$1,416.76	TELEPHONE/INTERNET - ALL
OLSSON ASSOCIATES	\$10,959.10	SHORELINE/BROADMOOR - STORMWATER
PRINCIPAL LIFE INSURANCE	\$223.50	LIFE INSURANCE - ALL
SAMS CLUB MC/SYNCB	\$5,732.31	EQUIPMENT, SUPPLIES - ALL
SUMNER ONE	\$62.00	COPY SERVICES - ADMIN
VISA	\$5,788.21	EQUIPMENT, SUPPLIES - ALL
WICHITA STATE UNIVERSITY	\$145.00	KACM CONFERENCE - ADMIN
	\$732,313.24	



PUBLIC WORKS DEPARTMENT

215 S Broadway • Louisburg, Kansas 66053
Phone (913) 837-5371 • Fax (913) 837-5374

To: Mayor and City Council
From: Craig Hufferd
Date: February 28, 2020
Re: 2020 Asphalt, Concrete Improvement and crack seal

BIDS:

Staff received seven bids for the asphalt work, two bids for the concrete work and three bids for crack seal.

<u>2020 Asphalt Improvements</u>	<u>Yearly Street Work & Lewis Young</u>	<u>Total</u>
Seal-O-Matic Paving Company -	\$367,689.89 & \$176,335.70	\$544,025.59
Metro Asphalt -	\$305,140.80 & \$191,528.75	\$496,669.55
Little Joe’s Asphalt -	\$329,997.90 & \$171,060.70	\$501,058.60
Kansas Asphalt -	\$342,880.00 & \$202,118.00	\$544,998.00
Killough Construction -	\$378,319.10 & \$173,989.72	\$552,308.82
Advanced Asphalt -	\$301,783.00 & \$162,952.06	\$464,735.06
Superior Bowen Asphalt Company -	\$359,921.70 & \$174,844.35	\$534,766.05

2020 Concrete Improvements
G-B Construction LLC - \$19,982.80
Kansas Asphalt - \$24,455.00

2020 Crack Seal
G-B Construction LLC - \$2.10 per pound
Kansas Asphalt - \$2.75 per pound
Vance brothers - \$2.17 per pound

RECOMMENDATION:

Asphalt: Low bid is Advanced Asphalt and they received the contract last year. We had no issues with the quality of work and the timely manner they completed the work. The only issue we had was putting out advanced notification in Starbrooke but that was quickly fixed after it was brought to their attention. Staff has a plan for giving notice as well.

Concrete: G-B is low bid on concrete work and they have worked on a number of recent projects for the City of Louisburg.

Crack Seal: G-B is low bid on crack seal work and they have worked on a number of recent projects for the City of Louisburg. The city will have a cap of \$75,000. Once 75% of cap is met the city will meet with the contractor to see if more work is needed.

City of Louisburg

Memo

To: Louisburg Governing Body

From: Nathan Law

Date: February 28, 2020

Re: Consideration of Tobacco Restriction at Parks and Publicly-Owned Facilities

Background: During discussion of finalizing recommendations of the Master Parks Plan, staff noted a lack of control of park areas regarding the use of tobacco or nicotine containing products. While there has not been a significant number of complaints directed at staff regarding the use of tobacco or other products in parks, a general discussion of the future of these facilities lends itself to this consideration. Staff proposed discussion of the types of facility uses and attendance at those events, for the purpose of challenging the ways in which use of tobacco and similar products may affect enjoyment by others. In particular was discussion of sports use by Recreation Commission, and it was noted there have been some comments regarding individuals using tobacco products in proximity of the sporting event. Without a ban of such items by the controlling entity of the facility, there is no enforcement capability. Park and Tree Board discussed options to limit use of tobacco to particular areas of each facility, but were cautioned that enforcement of limits that are either not easily understood by visitors, or difficult to discern for enforcement, will reduce effectiveness of the intent of the limitations.

Staff has put together sample tobacco restriction language, attached with this memorandum, for Council consideration.

Financial Consideration: None.

Legal Consideration: None.

Recommendation: Discuss as desired and direct staff accordingly.



City of Louisburg Parks No Smoking Policy

1.1. POLICY

It is the policy of the Louisburg City Council and Park and Tree Board to comply with state law and as approved within this policy to prohibit smoking around and within any building or designated smoke-free property owned or leased by the City of Louisburg.

1.2. PROCEDURES

A. Indoor Areas

The City of Louisburg complies with all provisions of the Kansas Indoor Clean Air Act. Accordingly, smoking is prohibited in all City of Louisburg public buildings and indoor areas. These include but are not limited to office buildings, recreational and community buildings, nature centers, trails and walking paths, swimming pools, and restrooms.

B. Outdoor Areas

1. Smoking is prohibited within 10 feet of any doorway, open window and air intake of public buildings (per state law).
2. Smoking is prohibited within 30 feet of City of Louisburg playgrounds and shelters, except when reserved.
3. Smoking is prohibited within the fenced areas of the Louisburg Aquatic Center, and Lewis-Young Park.
4. By authority of the City Council, smoking may be prohibited in additional outdoor areas owned, leased, and/or operated by the City of Louisburg.

C. Events

City of Louisburg-sponsored events may be designated as non-smoking regardless of where such events are located.

D. Signage

1. Where smoking is prohibited by state law, the City of Louisburg shall post signs displaying the international no smoking symbol and clearly stating that "smoking is prohibited by state law."
2. Where smoking is prohibited by policy or by the authority of the City Council, signage designating the area as non-smoking shall be posted.



City of Louisburg Tobacco-Free Parks Policy

Policy Statement

The City of Louisburg is committed to the quality of life for all residents, therefore, we believe that:

1. Tobacco and vaping use in the proximity of children, youth and adults engaging in or watching recreational activities is unhealthy and detrimental to the health of others.
2. Tobacco and/or vaping products once consumed in public spaces are often discarded on the ground, thus posing a risk of ingestion to toddlers and causing a litter problem.
3. As parents, leaders, coaches and officials we are thought of as role models, and the use of tobacco and vaping products around youth has a negative effect on their lifestyle choices.

Tobacco-Free Facilities

No person shall use tobacco products on city-owned parkland, park facilities, recreational facilities, open spaces, trails, recreation and community centers or outside the immediate entrance to these facilities.

Compliance Procedures

The emphasis on enforcement of the Tobacco-Free Park Policy is through voluntary compliance:

1. Signs will be posted on appropriate city-owned parkland, park facilities, recreational facilities, open spaces, trails, recreation and community centers.
2. City staff will make periodic observations of activity sites to monitor compliance.
3. The community, especially facility users, will be notified of this policy through various communication channels.

City of Louisburg

Memo

To: Louisburg Governing Body

From: Nathan Law

Date: February 28, 2020

Re: Deannexation of 0.36 Acres

Background: On February 26, 2020, The Planning Commission recommended the deannexation of 0.36 acres of land located within the City of Louisburg as authorized by the provisions of K.S.A. 12-504. The applicant wishes to purchase the 0.36 acres land and merge it to their property that is located outside city limits at 29440 Ridge Line Road. The Planning Commission voted 5-0 in support of this deannexation request.

Staff and the Planning Commission determined that this deannexation request will not:

- A. Create an isolated tract of land without road access.
- B. Hinder Public Right-of-Way (ROW).
- C. Require the city to vacate any streets, alleys, setback lines, access control or easements.
- D. Result in significant increases in service requirements, (e.g., utilities, schools, traffic control, streets, etc.); or will interfere with maintaining existing service levels (e.g., additional curb cuts, repaving, etc.).
- E. Create substandard-sized lot or parcel.

The Applicant has provided written notice of this public hearing to all property owners within 1,000' radius of the subject property. Staff has also placed a public notice in the official city newspaper to advertise this hearing. This ad appeared in the newspaper on February 5, 2020. To date Staff has not received any comments from the neighbors concerning this proposal.

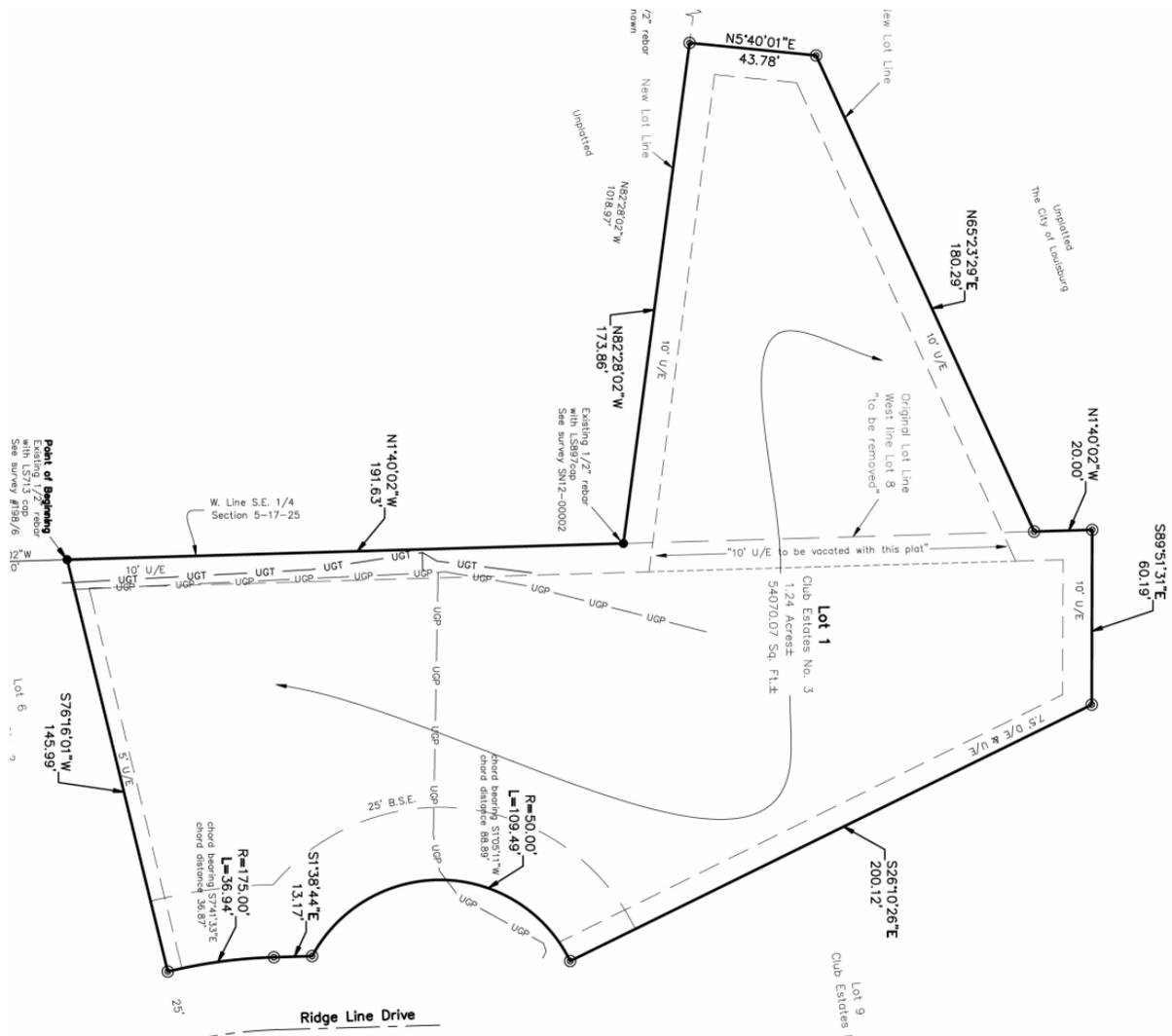
K.S.A. 12-504. Petition for vacation of site or addition, street or alley, or for exclusion of land; notice; hearing. Whenever the governing body of the city in which any of the following are located or whenever the owner or owners of any townsite or part of a townsite, or of any addition or part of an addition to any city, or the governing body in which the following are located, or the owner or owners of the lands adjoining on both sides of any street, alley or public reservation such as, but not limited to public easements, dedicated building setback lines, access control, or a part thereof, in any city or any addition

thereto, desires to have the same vacated, or desires to exclude any farming lands or unplatted tracts, or any addition or part of an addition to be vacated hereunder, from the boundaries of the city wherein situated, the governing body of such city or the city planning commission shall give public notice of the same by a publication in a newspaper of general circulation in the vicinity of such place sought to be vacated or excluded or in the official city newspaper in which is situated the place, tract or tracts, street, alley, or public reservation sought to be vacated or excluded, if there is any such newspaper published therein. Such notice shall be published at least one time at least 20 days prior to the date of the hearing. Such notice shall state that a petition has been filed in the office of the city clerk praying for such vacation or exclusion, or both, describing the property fully, and that on a certain date after the completion of such publication notice, naming the day on which the petition will be presented to the governing body of the city or the city planning commission for a hearing thereon, and that at such time and place all persons interested can appear and be heard under the petition.

Financial: None.

Legal: Finalization of this request and process is by ordinance. The ordinance must be published once in the official newspaper.

Recommendation: Consider approval of the attached ordinance for Deannexation under Case No. 20001-DXA, for land adjacent to property located at 29440 Ridge Line Road.



DEANNEXATION

CASE NO. 20001-DXA

ORDINANCE NO. _____

AN ORDINANCE GRANTING APPROVAL TO DEANNEX CERTAIN LANDS FROM THE CITY OF LOUISBURG, UNDER THE AUTHORITY GRANTED BY THE KANSAS STATUTE ANNOTATED (K.S.A.) 12-504.

**BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF LOUISBURG, KANSAS.**

SECTION 1: That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under the authority of K.S.A. 12-504, the deannexation of 0.36 acres of land from the City of Louisburg shall be allowed.

SECTION 2: The property to which this deannexation applies is commonly known as 29440 Ridge Line Road, Louisburg, Kansas and is legally described as follows:

All that part of the Southwest Quarter of Section S, Township 17, Range 25, Miami County, Kansas described as follows: Commencing at the Southeast corner of the Southwest Quarter of said Section S; thence North 1 degree 40 minutes 02 seconds West along the East line of the Southwest Quarter of said Section 5 and also being the West line of lots 6, 7, and 8, Block 1, Club Estates No. 2, a distance of 490.83 feet to the Point of beginning; thence North 82 degrees 28 minutes 02 seconds West, a distance of 173.86 feet; thence North 5 degrees 40 minutes 01 second East, a distance of 43.78 feet; thence North 65 degrees 23 minutes 29 seconds East, a distance of 180.29 feet to a point on the East line of the Southwest Quarter of said Section 5 also being a point on the West line of lot 8, Block 1, Club Estates No. 2; thence South 1 degree 40 minutes 02 seconds East along the East line of the Southwest Quarter of said Section 5 also being the West line of lot 8, Block 1, Club Estates No. 2, a distance of 141.50 feet to the Point of beginning, containing 15,550.54 square feet or 0.36 acres more or less.

SECTION 3: This Ordinance shall take effect and be in force from and after its adoption by the City Council and publication in the official City newspaper.

PASSED and approved by the Governing Body this 2nd day of March, 2020.

Marty Southard, Mayor

ATTEST:

Traci Storey, City Clerk

(seal)