

**LOUISBURG CITY COUNCIL
REGULAR MEETING
SEPTEMBER 8, 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 August 17, 2020
 - C. Approval of the Bills
4. RECOGNITION OF SCHEDULED VISITOR
 - A. Jennifer Leikam – Halloween on Broadway
 - B. Mike McCown – No Parking Signs at Southtrails
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. MAYOR’S REPORT
9. ADMINISTRATOR’S REPORT
 - A. Annual STO & UPOC
 - B. Garage Sale Sign Moratorium
 - C. Wastewater Treatment Plant – North Pump Station Change Order
 - D. Dangerous and Unfit Structure – 508 North 6th Street
 - E. North Broadway Sidewalk Planning Proposals
 - F. Baseball Field A
 - G. Vacant Property Registration
10. COUNCIL/COMMISSION REPORTS
11. ADJOURNMENT

**CITY OF LOUISBURG, KANSAS
MINUTES OF REGULAR MEETING
AUGUST 17, 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 Kalee Smith was absent.

Council Members Steve Town, Sandy Harris, Donna Cook, Thorvald McKiernan
City Administrator Nathan Law
City Clerk Traci Storey
Finance Director Pat McQueen
City Attorney Kelly Stohs
Police Chief Tim Bauer
Fire Chief Gerald Rittinghouse
Communications Coordinator Jean Carder
Public Works Supervisor Craig Hufferd
Press
Visitors Becky Bowes

PLEDGE OF ALLEGIANCE

Councilmember Donna Cook led the pledge of allegiance.

APPROVAL OF CONSENT AGENDA

Councilmember Sandy Harris moved, seconded by Councilmember Thorvald McKiernan and carried 4-0, to approve the consent agenda to include adoption of the agenda, approval of the regular meeting August 3, 2020 minutes.

BUDGET PUBLIC HEARING 2021

Administrator Nathan Law provided the Council with a presentation on the 2021 proposed budget. The budget calls for a decrease in the mill levy from 34.448 to 32.833. After the presentation, Mayor Southard opened the public hearing for comments. Councilmember McKiernan asked what date it needed to be sent to the County. Administrator Law said it needed to be at the County by August 25th. Councilmember Cook asked if it shows the revenue for the year. Administrator Law

said an overview is shown on slides 12 & 13, but the detailed budget that is forwarded to the State was shared at the Council's budget workshop held in May.

At 6:45 p.m. Mayor Southard asked if there were any comments from the audience, in which there were none. Councilmember Steve Town moved, seconded by Councilmember Sandy Harris and carried 4-0, to close the public hearing.

Councilmember Thorvald McKiernan moved, seconded by Councilmember Steve Town and carried 4-0, to approve the 2021 Budget as presented.

VISITORS

None

PUBLIC COMMENTS

None

DEPARTMENT REPORTS

Fire Department: None

Police Department: Police Chief Tim Bauer said starting August 20th the department will be participating in the DUI Enforcement Program. This is a program that is funded by the State of Kansas. "You Drink. You Drive. You Lose." will run through September 7, 2020.

Chamber of Commerce: Chamber Director Becky Bowes said the Cider Run has been canceled this year. It was a hard decision, but the board members agreed it was for the best. On a good note there have been five new members sign up for the Chamber.

CITY ATTORNEY'S REPORT

None

MAYOR'S REPORT

Constitution Week Proclamation: Mayor Marty Southard read a Proclamation proclaiming September 17th through September 23rd as Constitution

Week. Councilmember Sandy Harris moved, seconded by Councilmember Donna Cook and carried 4-0, to have Mayor Southard sign the proclamation.

ADMINISTRATOR'S REPORT

International Fire Code: Staff was directed by Council at the last meeting to make changes to the draft International Fire Code ordinance as discussed at that meeting. Administrator Law presented the changes as directed. Councilmember Steve Town asked if Chief Rittinghouse has reviewed the changes. Chief Rittinghouse said he had. Councilmember Steve Town moved, seconded by Councilmember Donna Cook and carried 4-0, to approve Ordinance 1128 as presented.

Tower Attachment Agreement: Staff has been working with Miami County and Tusa Consulting Services to determine how to amend an approach in regard to the previous ground lease agreement with a private cellular carrier to attach 800 MHz dispatching radio equipment to a cellular tower located on City property. In July staff sought and received Council approval to enter into an agreement with USCOC Nebraska/Kansas, LLC, a Delaware limited liability company, to further this goal. Following Council's approval and further discussion with USCOC, a company representative stated it would not be allowable for the City to assign its rights to the County. Because Miami County dispatches on behalf of the City of Louisburg, and because the term allows for local emergency radio equipment, the City intends to request Miami County by Interlocal Agreement to locate such equipment on the tower, on behalf of the City of Louisburg.

Councilmember Thorvald McKiernan moved, seconded by Councilmember Sandy Harris, to approve this Interlocal Agreement. Councilmember Harris asked if the County Commissioners or Chairperson have agreed to this yet. Administrator Law said he had been working with the County Administrator to draft the Interlocal Agreement and the County Commission would also have to approve it. Councilmember Harris asked if the County Commissioners or Chairperson agreed to this yet. Administrator Law said the entire Commission will be the ones that approve and to this point it has been staff and respective attorneys conversing. Harris asked if any income would come to Louisburg. Law said no. Motion carried 4-0.

CDBG-CV Scoring Results and Allocation: Administrator Law said at a previous meeting Council was asked to provide scoring criteria regarding the recently awarded CDBG-CV grant funds to the City, and additional direction to staff and the selected grant administrator in awarding the funding to area businesses.

Administrator Law said 11 businesses applied and two of those did not qualify. Councilmember McKiernan asked about verification of income for employees of the businesses who have qualified. Law said the grant administrator will verify the wages. Councilmember McKiernan moved, seconded by Councilmember Steve Town. Councilmember Harris asked when the funds would be disbursed. Law said as soon as possible. Motion carried 4-0, to accept the funding as presented.

Cares Act CRF SPARK Grant Reimbursement: Miami County recently received \$6.8 million in Coronavirus Aid, Relief, and Economic Security (CARES) Act funding through the Coronavirus Recovery Fund, distributed through the State of Kansas' Strengthening People and Revitalizing Kansas (SPARK) Taskforce, the intent of which is to help pandemic expenses or losses at the local level.

Administrator Law said the County created a task force made up of persons from around the County to help determine how to spend the funding. Part of the funding will go to reimbursements to cities for COVID-19 related expenses already incurred. The City of Louisburg reported and will receive \$28,840 for materials and staffing related to the pandemic response. Miami County will also distribute additional funding to the local governments to be used on expenses for materials, staff time or other allowable expenses.

The County would like each City to adopt a Coronavirus Relief Fund Resolution.

Councilmember Harris asked what kind of materials were given to the City. Administrator Law said it ranges from masks, hand sanitizer and other PPE. It also includes salaries for additional staff to disinfect and clean fire department equipment, for lifeguards while the pool was shut down for 2 days and for those who had to quarantine and for staff time for communication and management. Councilmember Donna Cook moved, seconded by Councilmember Steve Town and carried 4-0, to adopt Resolution 8-17-2020.

Asset Management: Public Works Supervisor Craig Hufferd said city staff has been exploring options to add to the asset management system initiated in 2017 with the utility mapping and creating a GIS database of all utility lines. The next step in the process is an asset management program that will allow Staff the ability to access editable mapping and tracking. This system will also allow the Utility Clerk the ability to create digital work orders the Public Works staff would be able to access in the field greatly increasing efficiency.

Staff has reached out to various firms and has received three bids.

Staff would like to implement this process this fall. There is funding available in the budget to purchase this in 2020 or the purchase can be delayed until 2021. Staff is seeking the Council's permission to approve the purchase now at a cost not to exceed \$12,000. Staff from all impacted departments would then meet with the various vendors to determine which product best suits the City's needs. Bids were received from Daupler, Dude Solutions and iWorQ. All companies provide the necessary product, have good references, and have similar pricing. Bids ranged from an annual cost of \$9,600 to \$12,000.

Councilmember Cook asked if there was money in the budget for this item. Administrator Law said yes, we would also split the cost across various departments as well. Councilmember McKiearnan asked if at some point in the future it was determined to switch companies would it be an easy data transfer and could historical data be transferred. Hufferd said they will be able to input all the data with the new database. Councilmember Harris asked how much data there is. Hufferd said it is likely a cloud-based solution. Hufferd continued an asset management system would help with mapping and also be able to keep track of maintenance items like vehicle service needs. Councilmember Sandy Harris moved, seconded by Councilmember Donna Cook. Councilmember McKiearnan moved to amend the motion to not exceed \$12,000, seconded by Councilmember Steve Town. The amendment carried 4-0 to not exceed \$12,000 and the motion to purchase an Asset Management System was approved 4-0.

COUNCIL REPORTS

Councilmember McKiearnan: Councilmember Thorvald McKiearnan said pool staff did a great job this summer.

McKiearnan would like to see the You Drink You Drive You Lose on the big sign during the STEP program.

The pixels on the green lights by Price Chopper may need replaced soon. Hufferd said he already has some on order.

McKiearnan asked if we have any leverage on getting empty retail space rented. Is there an incentive that could help rent them out? Administrator Law said he would look more into it.

If we are concerned about business property then the parking lot appearance should also be included.

McKiernan asked about the ambulance service and the agreement with Johnson County. Chief Rittinghouse said on one agreement the date was incorrect as it should read 2022. Chief Rittinghouse explained how the ambulance service may be affected in the future but said all involved are working on a solution.

Councilmember Harris: Councilmember Sandy Harris asked with the new asset management system that was just approved, will it show stormwater issues. Administrator Law said yes, that is something that could be added to a list.

Harris would like to tour the new wastewater plant. Law replied that once they get it all cleaned up, which should be within the next month, a tour will be planned.

Councilmember Harris said he would still like to get an estimate of costs for streaming of the Council meetings. Administrator Law said he is working on pricing now.

Harris said Law and McQueen did a great job on the Budget. The presentation was great as always.

Councilmember Cook: Councilmember Donna Cook thanked whomever did the weed eating on the streets.

Cook asked if it was possible to spend a day or half day with Finance Director Pat McQueen. Administrator Law said yes of course.

Councilmember Town: Councilmember Steve Town said great job at the pool.

Mayor Southard: Mayor Southard read a thank you note for the Louisburg Library. They thanked the City for supporting the Summer Bash.

Councilmember Harris: Councilmember Harris asked if the playground by the pool was open. Administrator Law said yes, it is as open as any other play equipment, which is use at your own risk.

ADJOURNMENT

At 7:30p.m. Councilmember Thorvald McKiernan moved, seconded by Councilmember Sandy Harris and carried 4-0, to adjourn the meeting.

Approved:

Marty Southard, Mayor

Attest:

Traci Storey, City Clerk

BILLS 09/08/2020

VENDOR	AMOUNT	DEPARTMENT
A & B TREE SERVICE	\$1,100.00	DEAD TREE REMOVAL - BZ
ABSOLUTE AWARDS	\$35.00	RETIREMENT PLAQUE - POLICE
ALL STATE STRIPING	\$10,100.00	SERVICES - STREETS
ALLIANCE DEFENDING FREEDOM	\$100.00	IN REMEMBRANCE OF DONNA WOLFE
APPLE ELECTRIC INC.	\$72.00	SERVICES - WATER
AXON ENTERPRISE INC	\$238.50	EQUIPMENT - POLICE
BLUE CROSS/BLUE SHIELD	\$25,951.77	INSURANCE - ALL
BP	\$2,353.46	FUEL - FIRE, PWD, PUA
CCL SUPPLY LLC	\$213.29	SUPPLIES - FIRE, POLICE, PWD
CENTER FOR EDUCATION	\$124.95	TRAINING - POLICE
CLEAR IMAGE	\$190.00	WINDOW CLEANING - ALL
CORE & MAIN	\$1,640.37	EQUIPMENT - WATER
CUMMINGS HELEN	\$75.00	REFUND - PARKS
CUTSHAW RON	\$100.00	HAY - PWD
D.C.& B. SUPPLY INC.	\$2,000.00	REPLACEMENT GAS METER
DELTA DENTAL OF KANSAS	\$2,378.06	INSURANCE - ALL
DIGITAL ALLY	\$215.00	EQUIPMENT - POLICE
ELLIOTT INSURANCE INC	\$32,501.00	QUARTERLY INSURANCE - ALL
EVERGY	\$12,526.08	ELECTRICITY - ALL
FAMILY CENTER OF PAOLA	\$166.61	SUPPLIES - PUA
FIRST OPTION BANK	\$48,540.96	AERIAL TRUCK PAYMENT 10 OF 14
GALLS INCORPORATED	\$439.92	UNIFORMS - POLICE
GERKEN RENT-ALL, INC.	\$183.21	EQUIPMENT - PUA
GILLEY SUSAN	\$99.84	UTILITY BALANCE REFUND
GRAINGER W.W.INC	\$162.48	SUPPLIES - PWD
HAYNES EQUIPMENT CO, INC	\$355.08	EQUIPMENT - SEWER
HICKEY, KRAIG	\$275.00	SERVICES - CEMETERY
HIGH SPEED MOWING	\$140.00	CODE VIOLATION MOWING - BZ
HOME DEPOT CRC	\$769.56	EQUIPMENT - PWD
HOMETOWN LAWN, LLC	\$900.00	STORMWATER EVALUATION
IACP	\$200.00	TRAINING - POLICE
IN BLOOM	\$50.00	RETIREMENT FLOWERS - POLICE
INDELCO	\$144.25	EQUIPMENT - PUA
INDUSTRIAL SALES CO	\$1,192.68	EQUIPMENT - GAS
INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS	\$110.00	MEMBERSHIP - ADMIN
J.P. COOKE CO.	\$85.95	DOG TAGS - ADMIN
JJ CLEANING	\$1,000.00	CLEANING CITY HALL, POLICE
JOHN DEERE FINANCIAL	\$1,634.15	EQUIPMENT, SUPPLIES - FIRE,PWD
KANSAS MUNICIPAL GAS	\$7,246.53	NATURAL GAS
KC METRO CRIME COMMISSION	\$250.00	MEMBERSHIP - POLICE
KS EMPLOYMENT SECURITY FUND	\$285.66	STATE UNEMPLOYMENT TAX
LAMP, RYNERSON & ASSOC.	\$27,600.00	WWTP CONSTRUCTION PHASE ENG - SEWER
LANCASTER BROTHERS HEATING & COOLING	\$135.00	SERVICES - PWD
LANDS END	\$150.91	SUPPLIES - ADMIN
LEAGUE KANSAS MUNICIPALITIES	\$30.00	CONFERENCE - ADMIN
LINN COUNTY NEWS	\$176.40	CLASSIFIED AD - POLICE
LOUISBURG ATHLETIC CLUB	\$186.50	MEMBERSHIP - ALL
LOUISBURG FORD	\$59.30	REPAIR - POLICE
LOUISBURG MUNICIPAL UTILITIES	\$679.98	UTILITIES - ALL
MAYFAIR CLEANERS	\$98.40	UNIFORM CLEANING - POLICE
MCI	\$78.51	TELEPHONE - ALL
MDC PUA	\$108,898.36	WATER
MI CO JAIL	\$160.00	PRISONER CARE - POLICE
MIAMI COUNTY AUTO	\$20.13	TIRE REPAIR - PD

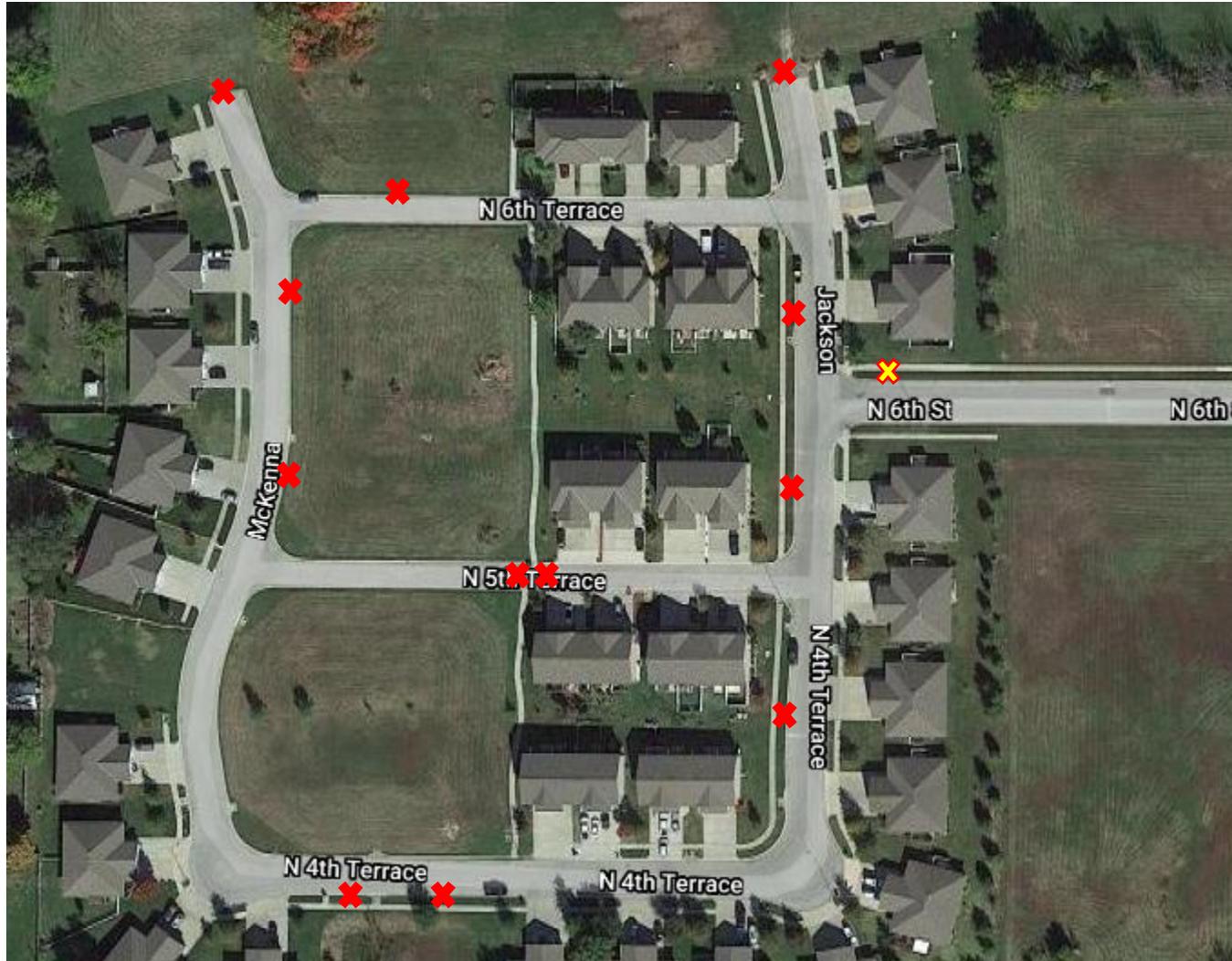
MO-KAN DIAL, INC.	\$1,448.54	TELEPHONE - ALL
NAPA AUTO PARTS	\$4.72	SUPPLIES - PUA
NEPTUNE TECHNOLOGY GROUP	\$265.72	EQUIPMENT - WATER
O'REILLY AUTO PARTS	\$152.78	SUPPLIES - PUA, PWD
PARTNERS PRINT & COPY INC	\$1,888.49	PRINTING SERVICES - ADMIN
PEREGRINE CORP.	\$1,105.87	UTILITY BILLS - GS, SEWER, WATER
PHILLIPS 66 CARD	\$1,530.26	FUEL - POLICE
POCKET PRESS INC	\$161.82	TRAINING - POLICE
POLSINELLI PC	\$3,015.00	CITY ATTORNEY SERVICES
PRAXAIR DIST. INC.	\$47.25	SUPPLIES - GAS
PRICE CHOPPER	\$454.08	SUPPLIES - ALL
PRINCIPAL LIFE INSURANCE	\$238.40	INSURANCE - ALL
QUADIENT FINANCE USA INC	\$300.00	POSTAGE - ALL
QUILL	\$183.53	OFFICE SUPPLIES - ADMIN
REDDI SERVICES KC	\$4,943.69	LIFT STATION/JET SEWER MAIN
RURAL WATER DISTRICT #2	\$39.71	WATER - PARKS
SAMS CLUB MC/SYNCB	\$737.82	EQUIPMENT, SUPPLIES - ALL
SI FUNERAL SERVICES	\$2,510.00	SERVICES - CEMETERY
SIMMONS DEVELOPMENT CO	\$1,050.00	PERMIT REBATE
STAPLES ADVANTAGE	\$34.80	OFFICE SUPPLIES - ADMIN
STILWELL OIL CO INC.	\$2,754.00	DIESEL FOR SHOP - PWD
SUMNER ONE	\$181.52	COPY SERVICES - POLICE
SUNSET LAW ENFORCEMENT	\$1,219.00	SUPPLIES - POLICE
TROUT WILLIAM	\$90.00	INSPECTIONS - BZ
ULINE	\$502.71	EQUIPMENT, SUPPLIES - POOL, PWD
URBAN IMPACT	\$73.78	UTILITY BALANCE REFUND
VERIZON	\$1,136.84	CELLULAR - ALL
VISA	\$5,668.42	EQUIPMENT, SUPPLIES - ALL
VISION SERVICE PLAN	\$89.59	INSURANCE - ALL
WASTE MANAGEMENT	\$388.52	TRASH SERVICES - ALL
WHITE'S AUTOMOTIVE	\$369.56	SERVICES - PUA
	\$327,006.27	



No Overnight Parking Signs –
Vehicle will be towed at
Owner's expense



No Overnight Parking On
Side Streets – Vehicles will
be towed at Owner's
expense



Memo

To: Louisburg Governing Body
From: Nathan Law
Date: September 4, 2020
Re: Annual STO & UPOC

Background: This item was tabled from the last meeting to allow more time to review updated editions of both documents. As stated last time, each year the League of Kansas Municipalities updates both the Standard Traffic Ordinance and the Uniform Public Offense Code. These two documents allow for a comprehensive set of laws to be incorporated by local government to remain consistent with state law. The 2020 editions of each are prepared and ready for implementation.

Financial: None.

Legal: None.

Recommendation: 1) Adopt Ordinance for "Standard Traffic Ordinance for Kansas Cities," Edition of 2020, and direct the Mayor to sign.

2) Adopt Ordinance for "Uniform Public Offense Code," Edition of 2020, and direct the Mayor to sign.

ORDINANCE NO. 1129

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF LOUISBURG, KANSAS; INCORPORATING BY REFERENCE THE “STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES”, EDITION OF 2020; PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NUMBER 1109.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOUISBURG, MIAMI COUNTY, KANSAS;

Section 1. INCORPORATING STANDARD TRAFFIC ORDINANCE.

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Louisburg, Kansas that certain standard traffic ordinances known as the Standard Traffic Ordinance for Kansas Cities, Edition of 2020, prepared and published in book form by the Kansas League of Municipalities, Topeka, Kansas. No fewer than three copies of said “Standard Traffic Ordinance” shall be marked or stamped “Official Copy as Adopted by Ordinance No. 1129 and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

Section 2. TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.

- (a) An ordinance traffic infraction is a violation of any section of this ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118.
- (b) All traffic violations which are included within this ordinance, and which are not ordinance traffic infractions, as defined in subsection (a) of this section, shall be considered traffic offenses.

Section 3. Repeal. All ordinances or parts of ordinances of the City of Louisburg that are in conflict herewith shall be and are hereby repealed, except that this Ordinance shall not affect or repeal Ordinance 278 of the City of Louisburg, Kansas.

Section 4. Effective Date. This ordinance shall take effect and be in full force from and after its passage, approval and publication in the official City newspaper as provided by law.

PASSED AND APPROVED This 8th day of September, 2020.

Marty Southard, Mayor

ATTEST:

Traci Storey, City clerk

ORDINANCE NO. 1130

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF LOUISBURG, KANSAS; INCORPORATING BY REFERENCE THE “UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES”, EDITION OF 2020 AND REPEALING ORDINANCE 1110, EXCEPT THAT THIS ORDINANCE SHALL NOT AFFECT OR REPEAL ORDINANCE NO. 278 OF THE CITY OF LOUISBURG, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOUISBURG, MIAMI COUNTY, KANSAS;

Section 1. INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Louisburg, Kansas that certain code known as the “Uniform Public Offense Code” 36th Edition of 2020, prepared and published in book form by the league of Kansas Municipalities, Topeka, Kansas. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped “Official Copy as Adopted by Ordinance No. 1130 and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

Section 2. Repeal. All ordinance and parts of ordinances of the City of Louisburg Kansas, that are in conflict herewith shall be and are hereby repealed, except that this Ordinance shall not affect or repeal Ordinance No. 278 of the City of Louisburg, Kansas.

Section 3. Effective Date. This ordinance shall take effect and be in full force from and after its passage, approval and publication in the official City newspaper as provided by law.

PASSED AND APPROVED This 8th day of September, 2020.

Marty Southard Mayor

ATTEST:

Traci Storey, City Clerk

Memo

To: Louisburg Governing Body

From: Nathan Law

Date: September 4, 2020

Re: Garage Sale Sign Moratorium

Background: Each year staff provides Council with an ordinance placing a moratorium on sign restrictions to coincide with annual city-wide garage sales. Attached with this memorandum is an ordinance for this consideration.

Financial: Publication cost.

Legal: None.

Recommendation: Approve the ordinance providing for the issuance of seasonal moratorium on enforcement of certain provisions of the city sign ordinance relating to temporary garage sale signage.

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF SEASONAL MORATORIUM ON ENFORCEMENT OF CERTAIN PROVISIONS OF THE SIGN ORDINANCE SPECIFICALLY RELATING TO TEMPORARY GARAGE SALE SIGNAGE PURSUANT TO ARTICLE 8; SIGN REGULATIONS OF THE CITY OF LOUISBURG, KANSAS.

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

WHEREAS, the Governing Body finds sufficient cause to create seasonal enforcement moratoria allowing the unregulated posting of garage sales signs that are otherwise regulated under Section 805(a)7 of Article 8; and

WHEREAS, the Governing Body wishes to temporarily suspend enforcement of signage regulations, with exclusive respect to garage sale signage; and

WHEREAS, the enforcement moratoria are intended to provide a period of garage sale signage display that coincides with seasonal occurrence thereby reducing unwanted proliferation of signage during the remainder of the year;

NOW THEREFOR, BE IT RESOLVED THAT THE CITY OF LOUISBURG, KANSAS HEREBY ADOPTS A SCHEDULED ENFORCEMENT MORATORIUM, THEREBY ALLOWING UNREGULATED POSTING OF GARAGE SALES SIGNS PURSUANT TO THE FOLLOWING:

Section 1. This moratorium shall be specifically limited to the following dates:

*September 17th, 2020 – October 3, 2021

*April 7th, 2021- April 21, 2021

Section 2. This moratorium shall not authorize any person to display signage on private property without the permission of the property owner, occupant, tenant or other representative having legal authority over the property.

Section 3. In instances where signage imposes a hazard to public safety, the City shall maintain the authority to cause removal and disposal of signage.

Section 4. Signage shall not obstruct or impede the view of intersections, traffic, pedestrians or street signage.

Section 5. Signage shall not be affixed to utility poles, signs, hydrants, utility barricades or guy wires.

Section 6. Signage shall not be placed on public owned property.

Section 7. Signage shall not be accentuated with strobes, strand lighting or other attention getting devices that provide illumination.

Section 8. This ordinance shall take effect upon its publication in the official City newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF LOUISBURG, KANSAS THIS 8TH DAY OF SEPTEMBER, 2020.

Marty Southard, Mayor

(Seal)

ATTEST

Traci Storey
City Clerk

Memo

To: Louisburg Governing Body

From: Nathan Law

Date: September 4, 2020

Re: Wastewater Treatment Plant – North Pump Station Change Order

Background: Staff has been in conversation with project/construction engineers regarding the north pump station site and unsuitable conditions of the planned location. Staff has provided direct information to Councilmembers previous regarding this concern. In staff discussions with contractors, two options were considered: 1) removal of unsuitable soil and debris at the primary location, or 2) relocate pump station to a secondary location onsite. The secondary location previously was considered during the design phase, so there were 60% plans available. In reviewing the options and costs of relocation onsite, there is significant cost associated with either site options. All things considered, it is more appropriate to utilize the secondary location onsite.

Attached with this memorandum is additional information and the recommendation of Lamp Rynearson. A representative with Lamp Rynearson will be in attendance to answer questions Council may have regarding this request.

Financial: Included within the attached letter.

Legal: None.

Recommendation: Discuss the request presented by Lamp Rynearson and consider authorizing the change order increases.



Mr. Nathan Law
City Administrator
City of Louisburg, Kansas
215 S. Broadway Street
Louisburg, KS 66053

RE: Project Change Orders/Work Change Directives

Nathan:

Shown below is a summary of the current change orders for Section 1 of the Louisburg WWTP project. This information is current as of September 4, 2020 and it is intended this list will be updated throughout the remainder of the project duration.

Unapproved Change Orders

Change Order No. 18 – North Pump Station Relocation

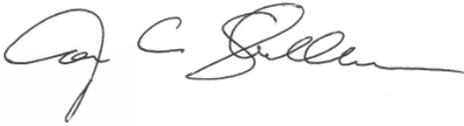
- Cost Impact - \$449,069
- Day Impact – 120 days
- Description – The bid documents noted the construction of a pump station at the North Lagoon site in the southeast section of the City owned property. After a test pit was dug at this location it was determined that there was construction debris and rubble that presented challenges for construction. The relocation to the northeast portion of City property presented the best opportunity for reducing the possibility of encountering this debris and maximizing Contractor safety.

KDHE noted this area was a previously unregulated City dump site that was present prior to the establishment of the EPA. There were options available for the disposal of the debris, but it became cost prohibitive and was not possible to dispose of on the current lagoon site. Borings were initially taken at the site, but the magnitude of the dump site was not known until KDHE began their investigation. The charges presented are the costs to construct the new facility and the associated deductions from the elimination of the southeast location.

Change Order Summary

- Previously Approved by Council - \$100,000 and 78 days
- Additional Requested - \$449,069 and 120 days
- **New Contract Amount - \$11,008,069**
- **New Substantial Completion Date – February 4, 2021**

Regards,

A handwritten signature in black ink, appearing to read "Jon C. Shellhorn". The signature is written in a cursive style with a long horizontal flourish at the end.

Jon C. Shellhorn, P.E.

CROSSLAND

HEAVY CONTRACTORS

3252 Roanoke Road
Kansas City, MO 64111
PH: 816-960-4553

September 2, 2020

Mr. Jon Shellhorn
Lamp Rynearson
9001 State Line Rd., Ste. 200
Kansas City, MO 64114

Reference: Louisburg WWTP – COR-18 – North Pump Station Relocation

Mr. Shellhorn,

Please see the attached change order request for the relocation of the North Pump Station as shown on the drawings issued by Lamp Rynearson on August 12, 2020. This COR includes all costs for labor, equipment and materials required to complete the work.

The COR includes a quantity assumption for the “dump” material that is to be hauled off. As required by KDHE, this material will be tracked, and quantities documented. If we approach the assumed quantities, an analysis can be completed to estimate the remainder for an additional COR. If the assumption is higher than the actual quantity hauled off, a credit will be provided.

Total Change Order Cost: See Below Summary Sheet

Please contact me with any questions regarding these items.

Regards,



Matt Rippe
Project Manager
Crossland Heavy Contractors

CROSSLAND HEAVY CONTRACTORS

Project: Wastewater Treatment & Collection Impr. - Louisburg, KS

Description: Provide labor, equipment, and materials required to relocate the North Pump Station per the drawings issued by Lamp Rynearson on August 12, 2020.

Materials	# of Units	UOM	Unit Price	Extension
Submersible Pump Guiderail	1.00	LS	325.00	\$325.00
Trash Basket Guiderail	1.00	LS	1,850.00	\$1,850.00
Reinforcing Steel	1.00	LS	6,800.00	\$6,800.00
Piping Materials	1.00	LS	13,541.17	\$13,541.17
<u>Total Materials</u>				\$22,516.17
<u>Total Materials w/taxes</u>				\$22,516.17
<u>Overhead & Profit</u>				15% \$3,377.43
<u>Total Materials w/O&P</u>				\$25,893.60

Labor	Avg. Hourly \$	# of Units	MH/U	Total MH	Extension
Superintendent	\$55.00	1.00	600.00	600	\$33,000.00
Pipe Fitter	\$66.73	1.00	30.00	30	\$2,001.90
Laborer	\$40.39	2.00	30.00	60	\$2,423.40
Heavy Operator	\$46.94	1.00	30.00	30	\$1,408.20
<u>Total Direct Cost Labor</u>					\$38,833.50
<u>Labor Burden</u>				40%	\$15,533.40
<u>Total w/Labor Burden</u>					\$54,366.90
<u>Overhead & Profit</u>				15%	\$8,155.04
<u>Total Labor w/O&P</u>					\$62,521.94

Equipment	# of Units	UOM	Unit Price	Extension	
Superintendent Truck	60.00	DAY	\$125.00	\$7,500.00	
Lull	1.00	MO	\$2,935.00	\$2,935.00	
<u>Total Equipment</u>				\$10,435.00	
<u>Overhead & Profit</u>				0%	\$0.00
<u>Total Equipment w/O&P</u>				\$10,435.00	

Subcontractor	# of Units	UOM	Unit Price	Extension	
MCON	1	LS	\$287,122.00	\$287,122.00	
Genesis Coatings	1	LS	\$4,095.00	\$4,095.00	
Crookham Construction	1	LS	\$6,742.00	\$6,742.00	
Mustang Extreme - Add. Mobilization	1	LS	\$17,000.00	\$17,000.00	
Anchor Fence - Add. Mobilization	1	LS	\$1,200.00	\$1,200.00	
FSG Electric	1	LS	\$5,215.00	\$5,215.00	
mBarq Reinforcing	1	LS	\$5,762.25	\$5,762.25	
Welding Sub (Plug Valve Ext. Mods)	1	LS	\$500.00	\$500.00	
<u>Total Direct Cost</u>				\$327,636.25	
<u>Overhead & Profit</u>				5%	\$16,381.81
<u>Total Subcontractor w/O&P</u>				\$344,018.06	

Total Proposal Amount **\$442,868.59**
Bond **1.4%** **\$6,200.16**

Total Proposal Amount w/Bond **\$449,068.75**

Total Proposal Amount w/Bond (Whole Number) **\$449,069**

Days Requested to extend Contract Time **120**

Signature:



Date:

9/4/2020

Matt Rippe

From: Rick Owens <rick.owens@enviro-line.com>
Sent: Tuesday, August 4, 2020 5:00 PM
To: Matt Rippe
Subject: RE: 19K05SP Louisburg WWTP 200727 - Enviro-Line - North Pump Station Relocation

[EXTERNAL EMAIL]
Hello Matt.

The price for one 20' guiderail is \$295.00 plus frt.

Hope this helps.

Thx
Rick

Rick Owens
Enviro-Line Co Inc.
mobile 913 634 2611

From: Matt Rippe <mrippe@heavycontractors.com>
Sent: Thursday, July 30, 2020 12:54 PM
To: Rick Owens <rick.owens@enviro-line.com>
Cc: Courtney Smith (CHC Field) <csmith@heavycontractors.com>; Brannen Murphy <bmurphy@heavycontractors.com>; Tyler Korte <tkorte@heavycontractors.com>
Subject: RE: 19K05SP Louisburg WWTP 200727 - Enviro-Line - North Pump Station Relocation

Rick,

Confirmed, we will need one more stick. Please advise on the price and once the change order is formally approved, we will let you know.

Regards,
Matt



Matt Rippe, Assoc. DBIA
Project Manager
3252 Roanoke Road
Kansas City, MO 64111

t: 816.960.4553
c: 816.835.2016
mrippe@heavycontractors.com
www.heavycontractors.com



Halliday Products, Inc.
 6401 Edgewater Dr
 Orlando, FL 32810
 P: 407-298-4470 F: 407-298-4534
 Sales@HallidayProducts.com

Price Quotation Number

Q10029

Date: 08/03/2020

PRICING VALID FOR 90 DAYS

Printed by: Jeff 08/03/20 08:52

Customer: CRO6641
 CROSSLAND HEAVY CONTRACTORS

Payment Terms:
 NET 30 - EMAIL

Freight Estimated To:
 CROSSLAND HEAVY CONTRACTORS

PO BOX 350
 COLUMBUS, KS 66725

Ship Method:
 ODFL

COURTNEY SMITH FOR APPT
 29140 S. ROGERS ROAD

US
 Quoted : **MATT RIPPE**
 Phone: **(816) 960-4553**

Halliday Products Salesperson:
 JEFF LOVEJOY

LOUISBURG, KS 66053

Production Time:
2 TO 3 WKS ARO

Job Tag / Reference:
 19K05SP - LOUISBURG WWTP 191120

Email: mrippe@heavycontractors.com

<u>Qty</u>	<u>Item Number</u>	<u>Description</u>	<u>Unit Price</u>	<u>Net Price</u>
1	B4D BSKT RAILS	20502AAHABA 17'-1" LENGTH FOR B4B HAABA38A42A30A14AA	1,615.00	1,615.00

The above T304 s.stl. guide rails for the B4B basket to have 3" channel stringers & 3/8" x 2 1/2" flat bar standoffs.

Any and all prior or subsequent negotiations, documents and agreements between the parties hereto are superseded by the terms set forth in this Price Quotation.

Subtotal	1,615.00
(FL - ONLY) EXEMPT	0.00
Estimated Freight	235.00
TOTAL	\$1,850.00

Please see www.HallidayProducts.com for O & M Manuals and Limited Product Warranties



St. Louis, MO
Phone
Fax

CMC Change Order #: CO04
Change Order Date: 8/4/20

CHANGE ORDER REQUEST

Customer: Crossland Heavy Contractors
501 S East Ave
Columbus, KS 66725-2307

Project: Louisburg WWTP

CMC Job #: 1923629006

Subject: Revised Pump Station

Description of Changes:

Adds approx. 6 tons and 8 hours re-detailing time for changes to North Pump Station per revised drawings emailed 7/27/20

Amount of this Change Order (**excluding taxes**) \$ **6,800.00**

It is mutually agreed that for such change the contract price is changed by \$ **6,800.00** , terms of payment are net 30 days. No retainage of funds will be allowed. If you have any questions regarding our Change Order, immediately contact the below signed to schedule a meeting to discuss it.

Change Order pricing is subject to market increase change if not approved within 30 days.

Crossland Heavy Contractors

CMC Rebar

Signature: _____

Signature: _____

Salesman - Steven Cross

Date: _____

Date: _____



3939A NE 33rd Terr.
 Kansas City, MO 64117
 816-459-8600
 Fax – 816-459-8622
eaulmer@winwaterworks.com

Job: Louisburg WWTP Revised North Pump Station
Location:
Bid Date:

<u>Qty.</u>	<u>Material Description</u>	<u>UOM</u>	<u>Price</u>	<u>Ext. Price</u>
<u>North Pump Station</u>				
1	24"x1'-4" MJ x WC x PE CL/PC TFS Wall Pipe USA	EA	\$2,548.70	\$2,548.70
1	24" EBAA Megalug	EA	\$343.00	\$343.00
1	24" MJ Gasket	EA	\$13.00	\$13.00
1	24" SS MJ Stud/Nut Set	EA	\$121.38	\$121.38
3	8"x17'-0" FLG x FLG CL/PC Spool USA	EA	\$1,060.80	\$3,182.40
1	10"x2" FIP Dbl Strap Saddle USA	EA	\$147.00	\$147.00
1	2"x6" Brass Nipple	EA	\$18.00	\$18.00
1	2" Brass Ball Valve	EA	\$35.00	\$35.00
1	2" D-025 Combo ARV	EA	\$1,383.94	\$1,383.94
Total:				\$7,792.42

Remit To: KANSAS CITY



KANSAS CITY WINWATER CO.
3939 A NE 33RD TERRACE
KANSAS CITY, MO 64117

materials delivered
and unusable

APR 03 2020

Original Invoice

Page	Date Printed	Invoice No.
1	3/31/20	263022 00

To Reorder Contact Us At

Phone No. : (816) 459-8600
Fax No .. : (816) 459-8622 DB# 22

Sold To:

Ship To:

CROSSLAND HEAVY CONTRACTORS
PO BOX 350
COLUMBUS, KS 66725-0350

29146 S ROGERS RD
COURTNEY 479-430-8196
LOUISBURG, KS 66053
LOUISBURG WWTP

Customer Number 00269-001691	Customer Purchase Order 19K05SP	Salesman 020-SHAWN COLEMAN	Type Shipment Stock	OT	Ship VIA	Date Shipped 3/31/20
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WE WOULD LIKE TO THANK OUR CUSTOMERS FOR EACH AND EVERY ORDER

Units Ordered	U/M	Item Description	Units Shipped	B/C	Price	Per	Discount	Extended	Tax
3	EA	6"X16'-0" FLGXPE CL/PC DOMESTIC	3		504.0000		.00	1,512.00	N
3	EA	6"X1'-0" FLGXPE CL/PC DOMESTIC	3		118.6500		.00	355.95	N
1	EA	12"X1'-0" FLGXFLG CL/PC DOMESTIC	1		619.2500		.00	619.25	N
1	EA	12"X15'-0" FLGXPE CL/PC DOMESTIC	1		1,148.5000		.00	1,148.50	N
3	EA	8"X0'-6" FLGXFLG CL/PC DOMESTIC	3		325.6500		.00	976.95	N
4	EA	8"X14'-0" FLGXPE CL/PC DOMESTIC	4		638.8500		.00	2,555.40	N
7	EA	8"X1'-0" FLGXPE CL/PC DOMESTIC	7		177.2000		.00	1,240.40	N
3	EA	8"X13'-0" FLGXPE CL/PC DOMESTIC	3		603.4000		.00	1,810.20	N
3	EA	6" C110 FLG 90 BEND CL/PC DOMESTIC	3		196.0000		.00	588.00	N
1	EA	12" SOLID BLIND FLANGE TN DOMESTIC	1		218.6700		.00	218.67	N
1	EA	12" C110 FLANGE TEE CL/PC DOMESTIC	1		1,514.0000		.00	1,514.00	N
7	EA	8" C110 FLANGE 90 BEND CL/PC DOMESTIC	7		357.3300		.00	2,501.31	N
7	EA	8X6 C110 FLG ECCENTRIC REDUCER CL/PC DOMESTIC	7		328.6700		.00	2,300.69	N

Terms: Monthly Service Charge May Be Applied To Past Due Accounts.
NET 30 DAYS

Pay full balance by 4/30/20

Tax Area ID: KS - 171212616	Net Sales	17,341.32
State Tax % .000	Freight	.00
Local Tax % .000	State Tax	.00
	Local Tax	.00
	Invoice Amount	17,341.32



When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. For inquiries please call (816) 459-8600.
T&C: You agree that the sale of these products/services is subject to all of our standard terms and conditions of sale located at www.winsupplyinc.com/tcsale.

materials delivered
and unusable

Remit To: KANSAS CITY



KANSAS CITY WINWATER CO.
3939 A NE 33RD TERRACE
KANSAS CITY, MO 64117

Page	Date Printed	Invoice No.
1	5/29/20	263923 01

To Reorder Contact Us At
Phone No. : (816)459-8600
Fax No .. : (816) 459-8622 DB# 21

Sold To:

CROSSLAND HEAVY CONTRACTORS
PO BOX 350
COLUMBUS, KS 66725-0350

Ship To:

29146 S ROGERS RD
LOUISBURG, KS 66053
LOUISBURG WWTP

Customer Number 00269-001691	Customer Purchase Order 19K05SP	Salesman 020-SHAWN COLEMAN	Type Shipment Stock	Ship VIA DIRECT	Date Shipped 5/29/20
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WE WOULD LIKE TO THANK OUR CUSTOMERS FOR EACH AND EVERY ORDER

Units Ordered	U/M	Item Description	Units Shipped	B/C	Price	Per	Discount	Extended	Tax
1	EA	24"X1'-4" MJXWCXPE CL/PC TFS WC CENTERED DOMESTIC	0	B	2,548.7000		.00	.00	N
5	EA	8"X1'-4" FLXWCXMJ CL/PC TFS BOTH ENDS WC CNTRD DOMESTIC	5		672.1000		.00	3,360.50	N
1	EA	4"X1'-4" MJXWCXFL CL/PC TFS BOTH ENDS WC CNTRD DOMESTIC	1		468.2300		.00	468.23	N
1	EA	8"X1'-10" FLXWCXPE CL/PC WC 1'-5" FFF DOMESTIC	1		309.4000		.00	309.40	N
3	EA	8"X0'-10" MJXWCXFL CL/PC TFS BOTH ENDS WC CNTRD DOMESTIC	3		654.3000		.00	1,962.90	N
1	EA	10"X0'-10" MJXWCXFL CL/PC TFS BOTH ENDS WC CNTRD DOMESTIC	1		776.1000		.00	776.10	N
1	EA	8"X1'-10" FLXWCXPE CL/PC WC 1'-5" FFF DOMESTIC	1		384.2000		.00	384.20	N
1	EA	18"X0'-10" MJXWCXPE CL/PC TFS WC CENTERED DOMESTIC	1		1,457.8500		.00	1,457.85	N
1	EA	24"X0'-10" MJXWCXPE CL/PC TFS WC CENTERED DOMESTIC	1		2,480.7000		.00	2,480.70	N

Terms: Monthly Service Charge May Be Applied To Past Due Accounts.

NET 30 DAYS

Pay full balance by 6/28/20

Tax Area ID: KS - 171212616	Net Sales	11,199.88
State Tax % .000	Freight	.00
Local Tax % .000	State Tax	.00
	Local Tax	.00
	Invoice Amount	11,199.88



When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. For inquiries please call (816) 459-8600.

T&C: You agree that the sale of these products/services is subject to all of our standard terms and conditions of sale located at www.winsupplyinc.com/tcsale.



Project:

Wastewater Treatment & Collection Impr. - Louisburg, KS

Description: Provide additional labor, equipment, and materials required to provide excavation, structural and non-structural backfill and buried yard piping for modified North Pump Station Site.

Materials	# of Units	UOM	Unit Price	Extension
8" CL350 DIP, Fittings, Bedding	162.00	FT	\$50.97	\$8,257.14
10" SDR26 PVC, Fittings, Bedding	188.00	FT	\$55.81	\$10,492.28
18" CL250 DIP, Fittings Bedding	-105.00	FT	\$69.73	(\$7,321.65)
24" SDR26 PVC, Fittings, Bedding	140.00	FT	\$79.11	\$11,075.40
3/4" Crushed Gravel	1,115.00	TN	\$15.75	\$17,561.25
Concrete Thrust Blocks	8.00	CY	\$136.50	\$1,092.00
New 60" Manhole (MH-3)	1.00	EA	\$7,300.00	\$7,300.00
Replace Riser on Manhole (MH-1, MH-2)	2.00	EA	\$5,800.00	\$11,600.00
Total Materials				\$60,056.42
Total Materials w/taxes				\$60,056.42
Overhead & Profit				15% \$9,008.46
Total Materials w/O&P				\$69,064.88

Labor	Avg. Hourly \$	# of Units	MH/U	Total MH	Extension
Superintendent		50.00	8.00	400	\$0.00
Operator Loader - HEAVY RATES	\$46.21	19.38	8.00	155	\$7,164.40
Operator Excavator - HEAVY RATES	\$46.94	62.83	8.00	503	\$23,593.92
Laborer - HEAVY RATES	\$40.39	65.83	8.00	527	\$21,270.99
Truck Driver - HEAVY RATES	\$40.58	17.55	8.00	140	\$5,697.12
Total Direct Cost Labor					\$57,726.43
Labor Burden				35%	\$20,204.25
Total w/Labor Burden					\$77,930.68
Overhead & Profit				15%	\$11,689.60
Total Labor w/O&P					\$89,620.28

Equipment	# of Days	Cost/Day	Extension
Compactor, CAT CB433	3.75	\$750.00	\$2,812.50
Dozer, CAT D6T	10.63	\$1,500.00	\$15,945.00
Excavator, BC45 Mini	2.87	\$680.00	\$1,951.60
Excavator, CAT 316	3.75	\$800.00	\$3,000.00
Excavator, CAT 323	37.19	\$1,200.00	\$44,628.00
Excavator, CAT 329	8.39	\$1,500.00	\$12,585.00
Loader, Wheel	15.63	\$750.00	\$11,722.50
Plate Compactor	2.87	\$200.00	\$574.00
Trailer, Tilt Deck	25.00	\$102.80	\$2,570.00
Truck, Crew	45.00	\$189.84	\$8,542.80
Truck, Tri Dump	17.55	\$593.30	\$10,412.42
Total Equipment			\$114,743.82
Overhead & Profit			0% \$0.00
Total Equipment w/O&P			\$114,743.82

Fees	# of Units	UOM	Unit Price	Extension
Dump Fees - Construction Debris	50	Load	\$104.50	\$5,225.00
Dump Fees - Trash	15	Load	\$375.00	\$5,625.00
Total Fees				\$10,850.00

Total Proposal Amount **\$284,278.98**

Bond **1.0%** **\$2,842.79**

Total Proposal Amount w/Bond **\$287,121.77**

Total Proposal Amount w/Bond (Whole Number) **\$287,122**

Days Requested to extend Contract Time **50**

Signature:

Date:

9/2/2020

Customer Change Order Request



PROJECT NUMBER:	GES 19226
CUSTOMER:	Crossland Heavy Contractors
	Attention: Matt Rippe
CHANGE ORDER NUMBER:	
	Extended Piping, Ceiling Coatings, Fire Caulking & Fire-Resistant Coating

Louisburg WWTP 200727

Reason for change order request:

Scope of Work:

1. Prepare and finish 3 pipes their full depth, @ North Pump Station, per newly received/modified Sheet 17

Total Labor, Material, Equipment

Total Cost: 4,095.00

Signature: Mark Marmon
 Printed Name: Mark Marmon
 Date (Submitted): 08/27/2020

Signature: _____
 Printed Name: _____
 Approval Date (Sent): _____



KANSAS & MISSOURI WBE/DBE CERTIFIED

DATE: 9/2/2020

RE: Louisburg WWTP- North Pump Station REVISED

Crookham Construction, LLC. Proposes the following scope of work on the above referenced project.

Provide Labor and Materials to relocate North Pump:

Delete small structure, increase size of larger both

Additional labor: \$4,012.00

Additional Materials: \$450.00

Additional Concrete Pump: \$1,400.00

Subtotal: \$5,862.00

P&O: 880.00

Total: \$6,742.00

Layout from building corners and benchmarks provided by General Contractor

All areas to receive slab on grade, sidewalks, curb and gutter and paving will be at plan elevation, to be done by others.

Exclusions:

Bonds and Permits

Excavation

Mechanical and piping imbeds and placement

Concrete pipe stands

Supply and placement of base rock

CMU Rebar, Supply and placement of rebar caps for CMU Rebar

Penetrating liquid floor treatments

Testing / special inspections

Winter Protection of concrete or substrate

Winter sur-charges for concrete materials

NCA additives in any slab concrete

Concrete washout pits/Dumpsters

Wet Curing

Site De-watering

PO Box 339
Tonganoxie, KS 66086

P. 913-369-3341
F. 913-369-3342



KANSAS & MISSOURI WBE/DBE CERTIFIED

Site layout for curb and gutter, light pole bases, sidewalks and paving

Caulking/sealing of all joints in concrete

Traffic Control

Kansas Remodel Tax

Supply and placement of sleeves or block-outs, or core drilling for handrail, fence post, etc.

Layout for other crafts

Granite concrete materials

KCMMB concrete mix

Rebar Materials

Removal of concrete spoils from site

Monument sign foundation/footings

Light pole bases

Demolition

Supply and placement of pavers or embedded plates for ADA ramps

**All concrete work and concrete materials other than what is stated in the above scope of work

FSG Electric6435 Vista
Shawnee, KS 66218**CCN#****Date:****Project Name:****Project Number:****Page Number:****CO #5 - BACK UP FLOAT SWITCH NF**

8/31/2020

WWTP LOUISBURG

11J995

1

Client Address:

Site Address:

Crossland Heavy3252 Roanoke Rd
Kansas City, MO 64111**Louisburg WTP**29146 S. Rogers Rd
Louisburg, KS 66053

Work Description

Scope of Work:

Install conduit and wire to back-up float switch for (3) pumps

Drawing Revisions:

North Pump Station drawing #102

Inclusions / Exclusions:

- ** FSG will not proceed with this work until we have received written authorization to proceed by an authorized representative. (Planning, Scheduling, Procurement of Materials or equipment, nor mobilization of manpower will commence until authorization notice is received.) UON...(Unless otherwise noted.)
- ** This pricing is based on performing the work during normal business hours. (M-F, 7:00am - 3:30pm). UON.
- ** This pricing is based on performing the work under normal construction processes, FSG reserves the right to re-price if additional costs are expected to be incurred due to a delay in authorization to proceed.
- ** This pricing does not include cutting / patching / painting / or restoration of any finishes that may be impacted by changes as listed above.
- ** This pricing is based on FSG receiving a schedule extension of ___ days. If schedule extension is not granted, FSG reserves the right to reprice based on overtime rates.

Summary

General Materials		2,143.25
Total Material		2,143.25
Electrician	(31.63 Hrs @ \$75.00)	2,372.25
Subtotal		4,515.50
Overhead	(@ 10.000 %)	451.55
Markup	(@ 5.000 %)	248.35
Subtotal		5,215.40
Final Adjustment		-0.40

FSG Electric

6435 Vista
Shawnee, KS 66218

Site Address:

Crossing MEA
22526 Saenger Rd
Kansas City, MO 64581

CCN#

Date:

Project Name:

Project Number:

Page Number:

CO #5 - BACK UP FLOAT SWITCH NPS

8/31/2020

WWTP LOUISBURG

11J995

2

Summary (Cont'd)

Final Amount

\$5,215.00

CONTRACTOR CERTIFICATION

Name: _____

Date: _____

Signature: _____

I hereby certify that this quotation is complete and accurate based on the information provided.

CLIENT ACCEPTANCE

CCN # **CO #5 - BACK UP FLOAT SWITCH NPS**

Final Amount: **\$5,215.00**

Name: _____

Date: _____

Signature: _____

Change Order #: _____

I hereby accept this quotation and authorize the contractor to complete the above described work.

City Council Staff Report
Meeting Date: September 8, 2020

Subject: Dangerous and Unfit Structure, 508 North 6th Street, Louisburg, Kansas 66053

The City has received multiple complaints concerning the residential dwelling located at 508 North 6th Street, Louisburg, Kansas. City Staff has communicated with the property owner regarding the structural condition of the above-mentioned single-family dwelling. The City has provided the property owner written notification that includes a comprehensive list of structural defects associated with the dwelling. Structural defects include, but are not limited, to:

1. The entire roof system is beyond repair. Large holes are visible in the system causing water to funnel into the residential structure. Extreme water damage is suspected within the walls and floor structure. Wood rot is noticeable throughout the structure. It appears that this wood rot has damaged the structural stability of the home.
2. The room addition located at the rear of the structure is rotted and is caving in. This addition is structurally unsound and considered a safety hazard and is dangerous to enter. The owner stated this addition contains the only restroom in the structure.
3. The front porch has severe wood rot and needs to be removed and/or replaced.

After extensive review, the Public Officer has designated this dwelling as a dangerous, unsafe, and unfit structure for human habitation in accordance with paragraph 8-804, article 8, Dangerous and Unfit structures, of the City Code. The Governing Body may take the following actions as outlined in the City Code:

1. The Governing Body shall, by resolution, fix a time and place at which the owner, the owner's agent, any lienholder of record and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished.
 - (a) The resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing.
 - (b) A copy of the resolution shall be mailed by certified mail within three days after its first publication to each owner, agent, lienholder, and occupant at the last known place of residence and shall be marked "deliver to addressee only."

2. If, after notice and hearing, the Governing Body determines that the structure under consideration is dangerous, unsafe or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause the resolution to be published once in the official city newspaper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the Governing Body will cause the structure to be repaired or razed and removed.

(K.S.A. 12-1753; Code 2020)

If, within the time specified in the order, the owner fails to comply with the order to repair, alter, improve or vacate the structure, the public officer may cause the structure to be repaired, altered, improved, or to be vacated and closed.

If, within the time specified in the order, the owner fails to comply with the order to remove or demolish the structure, the Public Officer may cause the structure to be removed and demolished. The cost to the City of any repairs, alterations, improvements, vacating, removal, or demolition by the public officer, including making the site safe, shall be the responsibility of the property owner.

Reference attached City Code.











Chapter VIII, Health and Welfare Chapter VIII, Health and Welfare, Dangerous and Unfit Structures:

Article 8. Dangerous and Unfit Structures

8-801. Purpose.

The Governing Body has found that there exist within the corporate limits of the City structures which are unfit for human use or habitation because of dilapidation, defects increasing the hazards of fire or accidents, structural defects or other conditions which render such structures unsafe, unsanitary or otherwise inimical to the general welfare of the City, or conditions which provide a general blight upon the neighborhood or surrounding properties. It is hereby deemed necessary by the Governing Body to require or cause the repair, closing or demolition, or removal of such structures as provided in this article.

8-802. Definitions.

For the purpose of this article, the following words and terms shall have the following meanings:

- (a) Structure shall include any building, wall, superstructure or other structure which requires location on the ground, or is attached to something having a location on the ground.
- (b) Public Officer means the City Administrator or his or her authorized representative.

8-803. Public officer; duties.

The public officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this article, including the following:

- (a) Inspect any structure which appears to be unsafe, dangerous, or unfit for human habitation;
- (b) Have authority to enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the public officer may seek an order for this purpose from a court of competent Jurisdiction;
- (c) Report all structures which he or she believes to be dangerous, unsafe, or unfit for human habitation to the Governing Body.
- (d) Receive petitions as provided in this article.

8-804. Procedure, petition.

Whenever a petition is filed with the public officer by at least five residents charging that any structure is dangerous, unsafe, or unfit for human habitation, or whenever it appears to the public officer on his or her own motion that any structure is dangerous, unsafe, or unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, report such findings to the Governing Body

8-805. Same; notice.

The Governing Body, upon receiving a report as provided in section 8-804 shall, by resolution, fix a time and place at which the owner, the owner's agent, any lienholder of record and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished.

8-806. Same; publication.

(a) The resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing.

(b) A copy of the resolution shall be mailed by certified mail within three days after its first publication to each owner, agent, lienholder, and occupant at the last known place of residence and shall be marked "deliver to addressee only."

8-807. Same; hearing, order.

If, after notice and hearing, the Governing Body determines that the structure under consideration is dangerous, unsafe or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause the resolution to be published once in the official city newspaper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the Governing Body will cause the structure to be repaired or razed and removed.

(K.S.A. 12-1753; Code 2020)

8-808. Duty of owner.

Whenever any structure within the City shall be found to be dangerous, unsafe or unfit for human use or habitation, it shall be the duty and obligation of the owner of the property to render the same secure and safe or to remove the same.

8-809. Same; failure to comply.

(a) If, within the time specified in the order, the owner fails to comply with the order to repair, alter, improve or vacate the structure, the public officer may cause the structure to be repaired, altered, improved, or to be vacated and closed.

(b) If, within the time specified in the order, the owner fails to comply with the order to remove or demolish the structure, the public officer may cause the structure to be removed and demolished.

8-810. Same; make site safe.

Upon removal of any structure, the owner shall fill any basement or other excavation located upon the premises and take any other action necessary to leave the premises in a safe condition. If the owner fails to take such action, the public officer may proceed to make the site safe.

8-811. Assessment of costs.

(a) The cost to the City of any repairs, alterations, improvements, vacating, removal, or demolition by the public officer, including making the site safe, shall be reported to the City Clerk.

(b) The city shall give notice to the owner of the structure, by restricted mail, of the cost of removing the structure and making the premises safe and secure. The notice shall also state that payment of the cost is due and payable within 30 days following receipt of the notice.

(c) If the costs remain unpaid after 30 days following receipt of notice, the City Clerk may sell any salvage from the structure and apply the proceeds or any necessary portion thereof to pay the cost of removing the structure and making the site safe. Any proceeds in excess of that required to recover the costs shall be paid to the owner of the premises upon which the structure was located.

(d) If the proceeds of the sale of salvage or from the proceeds of any insurance policy in which the City has created a lien pursuant to K.S.A. 40-3901 et seq., and amendments thereto, are insufficient to recover the above stated costs, or if there is no salvage, the balance shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments against the lot or parcel of land on which the structure was located and the City Clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs to the county clerk and who shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the City as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.

(K.S.A. 12-1755; Code 2020)

8-812. Immediate hazard.

When, in the opinion of the Governing Body, any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the Governing Body may direct the public officer to erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay. Such action may be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any action under this section shall be assessed against the property as provided in section 8-811.

8-813. Appeals from order.

Any person affected by an order issued by the Governing Body under this article may, within 30 days following service of the order, petition the district court of the county in which the structure is located for an injunction restraining the public officer from carrying out the provisions of the order pending final disposition of the case.

8-814. Scope of article.

Nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the City to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this article shall be in addition to and supplemental to the powers conferred by the constitution, any other law or ordinance. Nothing in this article shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise to exercise those powers granted specifically by K.S.A. 12-750:1756.

Memo

To: Louisburg Governing Body
From: Nathan Law
Date: September 4, 2020
Re: North Broadway Sidewalk Planning Proposals

Background: As requested by Council, staff advertised and sought out proposals for engineering work for new sidewalks along N. Broadway Street from Amity to N. 9th Street. The following is a summary of the proposals received. Attached with this memorandum for Council consideration is a hard copy of the four proposals. Electronic copies will be made available for public viewing should a request be received.

Company	Price	Years in Business
SK Design Group, Inc.	\$31,750	31
CFS Engineers	\$44,713	59
SWT Design	\$104,500	25
SMH Consultants	\$64,257	31
Lamp Rynearson	\$79,600	70

Financial Consideration: Design costs to be paid for out of Infrastructure Improvement Sales Tax Fund.

Legal Consideration: None.

Recommendation: Discuss proposals and direct accordingly.

New Fencing at Lewis Young Park

To: Mayor and City Council
From: Craig Hufferd, Public Works Supervisor
Date: September 4, 2020
Re: Baseball Field A

Background: Staff has solicited bids to continue work at Lewis-Young Park as part of the Kansas Department of Parks, Wildlife & Tourism grant which was awarded to the City earlier this year. One of the projects to be completed as part of this grant is to replace fencing, including the outfield, foul line, and the back stop on A field. As a reminder, the City will pay for the project upfront and then will be reimbursed for half of the project costs once it is complete.

Staff received 2 bids for this project:

Chris Burge Fence and Iron, Inc. **\$67,100**

Perfect Fence **\$74,393**

Recommendation: Staff recommends City Council accept the low bid from Chris Burge Fence and Iron, Inc. Chris Burge also recently replaced the fencing on B and C fields at LYP.

Memo

To: Louisburg Governing Body

From: Nathan Law

Date: September 4, 2020

Re: Vacant Property Registration

Background: At a recent Council meeting it was brought up about taxing properties for remaining vacant. In 2017 staff looked into the ability to place some form of tax against an unused property, but noted the lack of state and county legal authority/allowance for doing so. In review of information of vacant properties as a follow-up to the recent meeting, staff reviewed a section within the Kansas Legislator Briefing Book from 2019 regarding Addressing Abandoned Property Using Legal Tools. In that section it is noted that vacant property registration has been incorporated in the Unified Government of Wyandotte County and Kansas City since early 2018. Staff reviewed Unified Government's ordinance adding vacant property registration to nuisance code enforcement section. From that review, staff has compiled draft ordinance language for Council to review.

Financial: None.

Legal: Incorporating similar registration requirements for Louisburg requires an ordinance adding language to City Code. While the Unified Government has incorporated registration language in Buildings and Building Regulations chapter, Louisburg sections may be more appropriate to add within Chapter VIII. Health and Welfare, as a new Article 9.

Recommendation: Discuss draft ordinance language and direct staff as desired.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER VIII. HEALTH AND WELFARE OF THE CODE OF ORDINANCES OF THE CITY OF LOUISBURG, KANSAS, ADDING ARTICLE 9. VACANT PROPERTY REGISTRATION.

BE IT ORDAINED by the Governing Body of the City of Louisburg, Kansas:

Section 1. That Chapter VIII. Health and Welfare, be amended by adding Article 9. Vacant Property Registration, including Sections 8-901–8-914 as follows:

8-901. Registration statement.

Except for owners described in this section, all owners of buildings, structures, or vacant parcels, who do not reside in or occupy such buildings or structures, located within the corporate limits of the city shall file a registration statement with the public officer in accordance with the provisions of this Code. This registration requirement shall not apply to:

- (1) Any governmental entity, excluding government sponsored entities, any public authority or any quasi-public, nonprofit corporation engaged in housing development, management or operation under contract with a governmental entity.

(Code 2020, § __-__; Ord. No. _____; _____)

8-902. Appointment of agent.

Each owner required by this article to file a registration statement shall also appoint and register an agent who will be authorized to receive, on behalf of the owner, service of any notice, order or summons issued because of a violation of this chapter or chapter 18 or article 4 of chapter 15 of this Code or any ordinance concerning the condition of the property that is the subject of the registration statement. Such agent must be an individual over the age of 18 years and must reside within the city. A partner, associate or corporate principal who meets these qualifications may be designated and registered as the agent. An owner who resides within the city's corporate limits may serve as his/her/its own agent.

(Code 2020, § __-__; Ord. No. _____; _____)

8-903. Time to file registration statement.

The registration statement required by this article shall be filed by each owner:

- (1) By January 1, 2021, for any building, structure or parcel owned as of such date, through December 31, 2021.
- (2) Prior to the issuance of a certificate of occupancy required by the International Building Code, as adopted and amended by the City of Louisburg.

(3) Within such time as provided in section 8-905 in the case of a change of ownership.

(Code 2020, § __-__; Ord. No. _____; _____)

8-904. Contents of registration statement.

(a) The registration statement shall include the following information:

1. An identification of the premises by the street numbers and names of all street contiguous to the building or structure, where such exist, legal description, or by such other description as will enable the public officer to locate the premises.
2. An identification of the owner by name, e-mail address, residential address and/or business address. If the owner is a corporation or a partnership, the identification shall include the name and addresses of such corporation or partnership, together with the names, residential addresses and business addresses of the principals or operating partners. E-mail addresses are required for the aforementioned entities as well. If the owner is under the age of 18 years or has been judicially declared incompetent, the owner's legal representative shall file the registration statement.
3. The name, e-mail address, residential address and/or business address of an agent designated by the owner to receive service of any notice, order or summons issued because of a violation of this Code.
4. The signatures of the owner, an officer if the owner is a corporation, or a partner if the owner is a partnership, and the registered agent. The registered agent's signature shall indicate consent to the agency.

(b) The registration statement shall be filed on forms to be provided by the public officer or designee.

(c) Each owner who has previously filed a registration statement shall file an amended registration statement for all future acquired or additional property required to be registered under this division.

(Code 2020, § __-__; Ord. No. _____; _____)

8-905. Change of ownership.

(a) When any owner required to register by section 8-901 conveys title to the premises to another, the owner conveying the title shall, on the date of such transfer, notify the public officer or designee by certified mail of the name and residential address and/or business address of the new owner, or, if the new owner is a corporation, of the name and address of such corporation. If required to register, the new owner shall file a registration statement in accordance with section 8-904 no more than five days from the date of taking title. The failure of a new owner to file such registration statement shall not impair the validity of title.

- (b) When the ownership of the premises changes by operation of law, the new owner, if required to register, shall file a registration statement in accordance with section 8-904 not more than 30 days from the date the title passed to such owner.
- (c) An executor or administrator of a decedent's estate that includes real property located within the city shall file a registration statement in accordance with section 8-474 not more than 30 days from the date of appointment.

(Code 2020, § __-__; Ord. No. _____; _____)

8-906. Change of address or corporate ownership.

An owner who is required to register under this article shall inform the public officer or designee in writing, by certified mail, of a change of address of the owner, a change of address of the registered agent, a change in the list of officers of the owner corporation, or partners of the owner partnership, or a change of address of any of such listed officers or partners within five days of that change.

(Code 2020, § __-__; Ord. No. _____; _____)

8-907. Change of registered agent.

- (a) The owner may terminate the designation of a registered agent at any time by filing with the public officer or designee notice of such termination. A qualified successor shall be designated by the owner within ten days after notice of such termination, and the owner shall file within the same time a new registration statement designating the successor registered agent.
- (b) The registered agent may terminate the agency by filing with the public officer or designee a copy of the written termination notice on the owner. Such termination shall not become effective until ten days after the filing of such notice with the public officer or designee. The termination notice shall set forth the identification of the all the premises or parcels and the name and address of the owner, together with an affidavit or proof of service upon the owner. Service of such termination notice upon the owner may be made by delivery of a copy personally to the owner or any partner if the owner is a partnership, or by registered mail to the address of any owner, principal or partner as set forth in the registration statement. Prior to the effective termination date, the owner shall file with the public officer a registration statement designating a qualified successor.
- (c) If the designation of a registered agent shall cease to be effective as a result of death or judicial declaration of incompetence of the agent or the agent's removal from the city, the owner shall file a new registration statement with the public officer or designee within ten days thereafter designating a qualified successor.
- (d) If an owner fails to designate a registered agent or replace a registered agent whose agency has terminated, the owner shall be deemed to have appointed the City Clerk or the Clerk's designated agent to accept service of any notice, order or summons issued because of a violation of this chapter. The City Clerk or designated agent shall thereupon mail a copy

of such notice, order or summons by registered mail, return receipt requested, to the last known address of the owner and cause the posting of a copy of such notice, order or summons in or about the premises described in the same. All costs shall be charged against the owner and the property of the owner.

(Code 2020, § __-__; Ord. No. _____; _____)

8-908. Lease of entire building or structure.

Whenever an entire building or structure is leased, the registration requirement of section 8-901 shall apply to the lessee of the entire building or structure in the same manner as they apply to the owner. If required to file a registration statement by section 8-901, such lessee shall file registration statements in accordance with all the provisions of this article. The owner and lessee may designate the same registered agent.

(Code 2020, § __-__; Ord. No. _____; _____)

8-909. Extension of time for registration.

If the owner or other person required to file is unable to comply with the registration or filing requirements within the applicable time period specified in this division, the public officer may, upon the showing of good cause, extend the registration or filing period and waive the penalties for failure to register or file within the specified time period.

(Code 2020, § __-__; Ord. No. _____; _____)

8-910. Registration statement as prima facie evidence.

- (a) The failure of an owner or a lessee of an entire building or structure to produce the receipt issued by the public officer acknowledging the filing of a registration statement or the failure of a registered agent to produce the receipt issued by the public officer or designee acknowledging the filing of a notice of termination shall be prima facie evidence of failure to comply with the provisions of this article.
- (b) The current registration statement shall be deemed prima facie proof of the statements contained therein in any action or proceeding instituted by the City of Louisburg against the owner or lessee of an entire building or structure or a registered agent.

(Code 2020, § __-__; Ord. No. _____; _____)

8-911. Mortgage default registration.

When an owner of a building, structure or vacant parcel has been determined to be in default of a mortgage, the mortgagee or lienor shall inspect the mortgaged property to determine whether such property is vacant or occupied. Within ten days of an inspection, the mortgagee or lienor shall register the property in the manner required regardless of whether it is vacant or occupied.

- (1) Definitions.

- (a) Default shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.
- (b) Foreclosure shall mean the legal process by which a mortgagee, or other lien holder, terminates a property owner's equitable right of redemption to obtain legal and equitable title to the real property pledged as security for a debt or the real property subject to the lien. This definition shall include, but is not limited to, public notice of default, a deed-in-lieu of foreclosure, sale to the mortgagee or lien holder, certificate of title and all other processes, activities and actions, by whatever name, associated with the described process. The process is not concluded until the property obtained by the mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.
- (c) Mortgagee means the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement.
- (d) Registrable property means, any real property located in the corporate limits of the city, whether vacant or occupied, that it is subject to an ongoing foreclosure action by the mortgagee or trustee, has been the subject of a foreclosure action by a mortgagee or trustee and a judgment has been entered, or has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "default/foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's length transaction or the foreclosure action has been dismissed.

(2) Registration of defaulted mortgaged real property.

- (a) Any mortgagee who holds a mortgage on real property located within the corporate limits of the city shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor as evidenced by a foreclosure filing. The mortgagee shall, within ten days of the inspection, register the property with the code enforcement department, or its designee, on forms or other manner as directed, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
- (b) Registration pursuant to this section shall contain the name, direct mailing address, a direct contact name, telephone number, and e-mail address for the mortgagee/trustee, and the mortgage servicer, and the name and 24-hour contact phone number of the local property management company responsible for the security and maintenance of the property who has the authority to make decisions concerning the abatement of nuisance conditions at the property, as well as any expenditure in connection therewith.

- (c) Mortgagees who have existing registrable property on the effective date of this section have 30 calendar days from the effective date to register the property with the code enforcement department, or its designee, on forms or other manner as directed, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is vacant or occupied.
- (d) If the mortgage on a registrable property is sold or transferred, the new mortgagee is subject to all the terms of this article. Any previous unpaid registration fees are the responsibility of the new mortgagee or trustee and are due and payable with their initial registration. Except if it is determined that the transferee is exempt from paying fees then the previous mortgagee will not be released from the responsibility of paying all previous unpaid fees and fines, regardless of who the mortgagee was at the time when registration was required, including but not limited to unregistered periods during the foreclosure process. The provisions of this section are cumulative with and in addition to other available remedies. Moreover, the code enforcement department is authorized and empowered to refer the previous mortgagee's nonpayment of previous fees and fines to the code enforcement special magistrate or a court of competent jurisdiction for disposition.
- (e) If the servicing rights for a mortgage on a registrable property are sold or transferred, the registration must be updated to include all the new servicer information within ten days of the servicing transfer.
- (f) If the mortgagee owner of a foreclosed real property sells or transfers the property to a non-arm's length related person or entity, the transferee is subject to all the terms of this article and within five days of the transfer update the property. Any previous unpaid registration fees are the responsibility of the new registrable property owner and are due and payable with their initial registration. Except if it is determined that the transferee is exempt from paying fees then the previous mortgagee will not be released from the responsibility of paying all previous unpaid fees and fines, regardless of who the mortgagee was at the time when registration was required, including but not limited to unregistered periods during the foreclosure process. The provisions of this section are cumulative with and in addition to other available remedies. Moreover, the code enforcement department is authorized and empowered to refer the previous mortgagee's nonpayment of previous fees and fines to the code enforcement special magistrate or a court of competent jurisdiction for disposition.
- (g) As long as the property is registrable it shall be inspected by the mortgagee, or designee, monthly. If an inspection shows a change in the property's occupancy status the mortgagee shall, within ten days of that inspection, update the occupancy status of the property registration.
- (h) A nonrefundable annual registration fee of \$200.00 shall accompany each registration pursuant to this section.
- (i) If the foreclosing or foreclosed property is not registered, or the registration fee is not paid within 30 days of when the registration or renewal is required pursuant to this

section, a late fee equivalent to ten percent of the semi-annual registration fee shall be charged for every 30-day period, or portion thereof, the property is not registered and shall be due and payable with the registration.

- (j) Properties subject to this section shall remain under the semi-annual registration requirement, and the inspection, security and maintenance standards of this section as long as they are registrable.
- (k) Until the mortgage or lien on the property in question is satisfied, or legally discharged, the desire to no longer pursue foreclosure, the filing of a dismissal of lis pendens and/or summary of final judgment and/or certificate of title, voluntary or otherwise, does not exempt any mortgagee holding the mortgage, from all the requirements of this article as long as the borrower is in foreclosure.
- (l) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten days of the change.
- (m) Failure of the mortgagee to properly register or to modify the registration information from time to time to reflect a change of circumstances as required by this article is a violation of the article and shall be subject to enforcement and any resulting monetary penalties and/or property liens.
- (n) Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the unified government may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.
- (o) Properties registered as a result of this section are not required to be registered in the vacant property or rental property registries.

(Code 2020, § __-__; Ord. No. _____; _____)

8-912. False statements.

- (a) Every registration statement filed with the public officer shall be signed by the person required or authorized to submit such registration statement.
- (b) Any person who signs a registration statement shall certify that all statements contained therein are true and correct.
- (c) Any person signing a registration statement who makes any false statement therein as to any material matter shall be guilty of a violation of the provisions of this code.

(Code 2020, § __-__; Ord. No. _____; _____)

8-913. Vacant properties.

- (a) Upon any building or structure located within the corporate city limits becoming vacant, the owner of such building or structure shall have 60 days from the first date of vacancy to register such building or structure in the same manner as provided in sections 8-901 and 8-904 and said statement must include an agent designation as provided in section 8-902 as well as a written comprehensive plan of action detailing a timeline for correcting any Code violations, any rehabilitation required, the maintenance that will be performed while the building or structure is vacant and the future use of the building or structure and pay a registration fee of \$200.00.
- (b) The owner of any vacant building or structure subject to this section shall be required to update the plan of action provided with the registration statement and pay a fee of \$200.00 every year the said building or structure remains vacant.
- (c) Any vacant building or structure registered pursuant to this section shall be subject to inspection to verify the status of the plan of action submitted.
- (d) In addition to the registration statement in subsection (a) above, the owner of any vacant building or structure shall provide written notice, within 30 days, of a change in: (1) ownership of the property, including a copy of the deed; (2) contact information for either the owner or the designated agent.
- (e) Upon identification of a vacant building or structure by an enforcement officer that has not been registered under this section, a written notice shall be issued to the property owner by means of personal service, or by first class mail to their last known address of record, and by posting on the property. The owner of said vacant building or structure shall have 30 days from the date the written notice is issued in which to register.
- (f) Properties that are vacant and in default or bank owned (REO) remain subject to the registration requirements as set forth in section 8-911 and are exempt from the requirements of this section.
- (g) This registration requirement shall not apply to:
 - 1. Any governmental entity, excluding government sponsored entities (G.S.E.'s), any public authority or any quasi-public, nonprofit corporation engaged in housing development, management or operation under contract with a governmental entity.
 - 2. Any owner who intends for the building or structure to be his/her/its domicile regardless of whether said building or structure is occupied for all 12 months of the year.
 - 3. Any owner who has listed the building or structure for sale with a licensed real estate agent or broker.
- (h) Upon written request from an owner of an unoccupied building or structure, the public officer may approve of an existing use of said building or structure if, after verification of the records on file in the codes administration office to determine there have been no code violations on the subject property for the preceding 12 months and after inspection, it is

found that such use is a permitted and lawful use under current code requirements, and, provided further, that no fire hazards or other hazards are found in such building or structure or part thereof, and relieve said owner of the registration fee required under this section.

(Code 2020, § __-__; Ord. No. _____; _____)

8-914. Definitions.

For purposes of this division, certain phrases and words are defined below. Words or phrases not defined in this division but defined in applicable state law or the Code shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the contact requires otherwise. The following words, terms and phrases, when used in this division, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

1. Enforcement officer means any law enforcement officer, building official, fire inspector or code enforcement officer employed by or working on behalf of the unified government, or their designees.
2. Occupy means to conduct a lawful business or reside in all or any part of the building or structure as the licensed business occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a person occupies a building or structure may include, but shall not be limited to, the regular receipt of deliver of regular mail through the U.S. Postal Service; proof of continual electric, gas, heating, water and sewer services; a valid business license; or the most recent federal or state income tax statements indicating that the subject property is the official business or residence address of the person(s) or business(es) claiming occupancy.
3. Vacant means any premises intended for residential or commercial use which is not currently occupied or in use wherein no person or persons actually, currently conduct a lawfully licensed business or lawfully reside or live in any part of the building as the legal or equitable owner(s) or tenant-occupant(s) or tenant(s) on a permanent, non-transient basis or that is unoccupied and has no evidence of utility usage within the past 60 days.
4. Domicile means the building or structure at issue is the owner's true, fixed and permanent home where the individual intends to remain permanently and indefinitely, and to which, whenever absent, the individual intends to return.

(Code 2020, § __-__; Ord. No. _____; _____)

Section 2. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be published in accordance with K.S.A. 12-3007, one time in the official City newspaper and take effect upon publication.

PASSED AND APPROVED by the Governing Body of the City of Louisburg, Kansas, this ___ day of _____, 2020.

MARTY SOUTHARD, Mayor

ATTEST:

TRACI STOREY, City Clerk