

**LOUISBURG CITY COUNCIL
REGULAR MEETING
OCTOBER 5, 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 September 21, 2020
 - C. Approval of the Bills
4. RECOGNITION OF SCHEDULED VISITOR
 - A. David Boyce – Boyce Custom Homes
 - B. Jennifer Leikam – Halloween on Broadway
 - C. LHS Student Council
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 – Continued
 - B. MoKan Dial, Inc. Franchise Agreement
10. COUNCIL/COMMISSION REPORTS
11. ADJOURNMENT

**CITY OF LOUISBURG, KANSAS
MINUTES OF REGULAR MEETING
SEPTEMBER 21, 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 Donna Cook was absent.

Council Members Steve Town, Sandy Harris, Thorvald McKiernan, Kalee Smith
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
Visitors Laura Gray, Jon Shellhorn

PLEDGE OF ALLEGIANCE

Councilmember Sandy Harris 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 September 8, 2020 minutes.

VISITORS

None

PUBLIC COMMENTS

None

DEPARTMENT REPORTS

Fire Department: Fire Chief Gerald Rittinghouse said they are getting bunker gear quotes. The current gear is aged and very well worn. Rittinghouse said they have had over 200 plus calls so far this year, and we have not had a grass fire season yet. Fire Prevention will be the middle of October for the schools. It will probably look a little different than in past years.

Police Department: Police Chief Tim Bauer said back on August 28, 2020 full-time Police Records Clerk and Administrative Assistant Debbie Long retired from the Police Department.

While a hiring process is underway to fill the vacated position, there will be a transitional and learning period for the individual hired into the position. During the hiring process, a well-qualified candidate was identified, but was unable to take the full-time position at this time. The candidate, Marjorie Fisher, stated she would be willing to work in a part-time position (10-15 hours a week) to assist with the department's needs and assist the full-time clerk/assistant when hired.

Marjorie "Marge" Fisher has worked full-time for the Overland Park (KS) Police Department for the last 24 years, and has experience in the areas of Police Records Management, Human Resources, and Property and Evidence Control.

The Louisburg Police Department is requesting authorization to hire Marjorie Fisher as a part-time Police Records Assistant to continue to meet the demands of the Police Department's records management operations and requirements. If authorized, the part-time position would be re-evaluated in six months from the hire date, to determine its effectiveness and cost. Councilmember Steve Town moved, seconded by Councilmember Kalee Smith and carried 4-0, to accept the hiring of Marjorie Fisher as a part-time Police Records Assistant, reviewable in 6-months at pay scale grade 2-4A.

CITY ATTORNEY'S REPORT

City Attorney Kelly Stohs said she has looked into the request for no parking signs at Southtrails. Section 91 of the Standard Traffic Ordinance – Parking on Narrow Streets: The Chief of Police is authorized to erect signs indicating "no parking" upon both sides of any street when the width of the roadway does not exceed 20 feet, or upon one side of a street when the width of the roadway does not exceed 30 feet.

MAYOR'S REPORT

None

ADMINISTRATOR'S REPORT

Annual STO & UPOC: City Administrator Nathan Law said this item was tabled from the last meeting to allow Council 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. At the last meeting Councilmember McKiernan asked if they could have an electronic copy to look at. After reviewing the information, Councilmember McKiernan said he would like 3 sections excluded from the UPOC Code. These sections are as follows:

Sec. 10.29 Violation of a Public Health Order

- (a) It shall be unlawful for any person to violate, refuse, or fail to comply with, a written order of the County Health Officer, Board of Health, or Director of Health issued under their respective authorities.
- (b) A violation of this section is a Class C violation.

Sec. 10.13 Barbed Wire – It shall be unlawful for any person to construct, set up or maintain any barbed wire or barbed wire fence or enclosure within the city.

Violation of this section is a Class C violation.

Sec. 5.7 Selling, Giving or Furnishing Cigarettes or Tobacco to a Minor:

- (a) It shall be unlawful for any person to:
 - (1) Sell, furnish or distribute cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age or
 - (2) Buy any cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age

(b) It shall be a defense to a prosecution under this section if:

- (1) The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples;
- (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person under 21 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes, or tobacco products to the person under 21 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes or tobacco products and;
- (3) To purchase or receive the cigarettes, electronic cigarettes, or tobacco products the person under 21 years of age exhibited to the defendant a driver's license, Kansas non driver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes, electronic cigarettes, or tobacco products.
- (4) For purpose of this section the person who violates this section be the individual directly selling, furnishing or distributing the cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual or both.

(c) It shall be a defense to a prosecution under this subsection if:

- (1) The defendant engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, or tobacco products by mail, and
- (2) The defendant sold, furnished or disturbed the cigarettes, electronic cigarettes, or tobacco products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601 and amendments thereto, that the person was 21 or more years of age.

(d) As used in this section, **sale** means any transfer of title or possession or both, exchange, barter, distribution or gift of cigarettes or tobacco products, with or without consideration.

(e) Violation of this section shall constitute a Class B violation punishable by a minimum fine of \$200. (K.S.A. 79-3322)

Councilmember Smith said she would also like the opportunity in the future to review the summary of changes in the codes. City Administrator Law said that would not be a problem. Councilmember McKiernan moved, seconded by Councilmember Smith and carried 4-0, to exclude these from the UPOC Code. The ordinances will be available at the next meeting for adoption.

Wastewater Treatment Plant – North Pump Station Change Order-Continued: City Administrator Nathan Law said at the last meeting council directed staff to continue to work with project/construction engineers regarding the north pump station site conditions and change order presented at the last meeting. Staff has been in communication regularly over the last two weeks with engineers about the change order and pricing therein.

Jon Shellhorn with Lamp Rynearson gave a presentation regarding the North Pump Station. Councilmember Smith said she talked to someone at Foley Equipment and their equipment rental prices are half the cost of what these are. Councilmember McKiernan said the pay rates are almost \$60,000 more. Shellhorn explained how the rates and equipment were bid and within the guidelines. Councilmembers had a lengthy discussion. Councilmember Steve Town moved, seconded by Councilmember Sandy Harris, to accept the change order. The vote was 2-2, (Smith and McKiernan voting no). Mayor Southard cast a yes vote to break the tie and accept the change order as presented.

Lewis-Young Park Field A lights: Staff presented bids for lights on A field as part of the Kansas Department of Parks, Wildlife & Tourism grant project at the park. This work will include lights, poles and wiring.

The bids presented included:

Capital Electric

HID lighting	\$254,132 (Musco metal poles)
LED lighting	\$292,467 (Musco metal poles)
HID lighting	\$186,160 (metal poles & less than 5 years old used HID lights)
HID lighting	\$96,120 (wood poles & less than 5 years old used HID lights)

Brandy Electric

LED lighting	\$266,050 (Musco metal poles)
HID lighting	\$230,570 (Musco metal poles)
LED lighting	\$165,500 (Qualite metal poles)
HID lighting	\$144,500 (Qualite metal poles)

Councilmember McKiernan asked if this was posted to Facebook. Public Works Supervisor Craig Hufferd said it had been posted earlier. McKiernan said LED lighting would be the best option. Councilmembers had discussion. Councilmember McKiernan moved and seconded by Councilmember Harris to approve the bid from Brandy Electric's bid of \$165,500 for Qualite poles and LED lighting.

COUNCIL REPORTS

Councilmember McKiernan: Councilmember McKiernan wanted it noted that election signs can be out 169 days before an election.

Councilmember Sandy Harris: Councilmember Harris said Park & Tree Board member Jack Kline predicted at that group's meeting last week that in two weeks fall colors will be evident. Harris asked more about the parking at Southtrails. Councilmember Smith said residents are not happy that this could happen.

Councilmember Kalee Smith: Councilmember Smith said she received a phone call from a resident in Summerfield on N. 3rd St. East who is unhappy with the street parking situation. The no parking signs are on one side and the fire hydrants and mailboxes are on the other. The resident's son has to park all the way at the end of the street. It is very limited parking. Smith asked if the no parking signs could be on the same side as hydrants and mailboxes. City Administrator Law said he would take a look at it. Fire Chief Rittinghouse said the addition of the no-parking on one side of the streets in the subdivision has helped with fire trucks and emergency vehicles getting through.

Councilmember Steve Town: Councilmember Town asked if a structural inspection of the interior of the home at 508 N. 6th would occur. Administrator Law said not at this time, but is recommended.

ADJOURNMENT

At 8:00 p.m. Councilmember Harris moved, seconded by Councilmember McKiernan and carried 4-0, to adjourn the meeting.

Approved:

Marty Southard, Mayor

Attest:

Traci Storey, City Clerk

BILLS 10/05/2020

VENDOR	AMOUNT	DEPARTMENT
ANC CUSTOM SOLUTIONS	\$6,485.00	CAMERA SYSTEM - POOL
APPLE ELECTRIC INC.	\$204.77	REPAIRS STREET LIGHT
ARBOR DAY FOUNDATION	\$25.00	MEMBERSHIP - ADMIN
CCL SUPPLY LLC	\$363.93	SUPPLIES - ADMIN
CORE & MAIN	\$796.04	SUPPLIES - WATER
CROSSLAND HEAVY CONTRACTORS	\$565,942.12	WWTP SRF APP #18 JULY
CROSSLAND HEAVY CONTRACTORS	\$616,665.01	WWTP SRF APP #19 AUGUST
D.C.& B. SUPPLY INC.	\$193.86	REPLACEMENT GAS METER INDEX
DAUPLER	\$9,000.00	ASSET MANAGEMENT PROGRAM
DYNAMIC DISTRIBUTION	\$2,225.79	DISC GOLF SIGNAGE - PARKS
ELITE MOBILE SERVICE	\$3,783.12	DUMP TRUCK REPAIRS - PWD
ELLIOTT INSURANCE INC	\$120.00	SAFETY TRAINING - PWD
FAMILY CENTER OF PAOLA	\$524.90	SUPPLIES - PWD, PUA
GREENER EXPECTATIONS	\$360.00	BED MAINTENANCE - PARKS
HAWKINS, INC.	\$630.00	COPPER FOR LAKE - PARKS
INDUSTRIAL SALES CO	\$820.42	GAS PIPE FITTINGS - GAS
JJ CLEANING	\$1,000.00	CLEANING SERVICES - ADMIN, PD
JOHN DEERE FINANCIAL	\$1,605.75	EQUIPMENT, SUPPLIES - FIRE, PWD
JOHNSON COUNTY WASTEWATER	\$463.00	TESTING - SEWER
KANSAS DEPT HEALTH & ENVIRONMENT	\$20.00	CERTIFICATION RENEWAL - SEWER
KANSAS MUNICIPAL GAS	\$8,865.93	NATURAL GAS
LEAGUE KANSAS MUNICIPALITIES	\$433.54	STO AND UPOC - ADMIN
NAPA AUTO PARTS	\$85.06	SUPPLIES - PWD
PEREGRINE CORP.	\$1,212.69	UTILITY BILLING - GS, SW, WT
PHILLIPS 66 CARD	\$1,478.17	FUEL - POLICE
PRAXAIR DIST. INC.	\$48.41	SUPPLIES - GAS
PRINCIPAL LIFE INSURANCE	\$238.40	INSURANCE - ALL
RAY LINDSEY COMPANY	\$23,522.50	N BROADWAY LIFT STATION - SEWER
REDDI SERVICES KC	\$4,986.93	SERVICES - SEWER
ROMANS OUTDOOR POWER	\$80.23	MOWER MAINTENANCE - PARKS
RONK ELECTRICAL	\$5,130.00	EQUIPMENT N BROADWAY LS - SEWER
SAMS CLUB MC/SYNCB	\$656.00	EQUIPMENT, SUPPLIES - ALL
SCARECROW FARM LAWN CARE	\$2,430.00	CEMETERY MOWING SERVICES
VISION SERVICE PLAN	\$1,009.58	INSURANCE - ALL
VLP	\$4,258.42	SERVICE AND REPAIR BACKHOE - PWD
WHITE'S AUTOMOTIVE	\$1,113.56	SERVICES AND REPAIRS - PWD
	\$1,266,778.13	

Memo

To: Louisburg Governing Body

From: Nathan Law

Date: October 1, 2020

Re: Annual STO & UPOC – Continued

Background: This item was tabled from the last meeting to allow Council more time to review for additional exclusions from each document. In that time staff has also looked through each document to try and find other conflicts between these standard regulations and City Code, Zoning Regulations, or any other controlling document.

Attached are the two ordinances incorporating the respective editions. Staff has added an amendment section for exclusion from the Uniform Public Offense Code the three sections referenced at the last meeting. In reviewing the Standard Traffic Ordinance, especially in light of the UTV and golf cart allowances in Louisburg, staff has found that nothing in this document has changed from 2019 to 2020 versions. In further review of the STO, and based partly on officer comments and Chief Bauer's review, there are amendments that should be made and are incorporated in the attached ordinance.

Financial: None.

Legal: None.

Recommendation: 1) Adopt Ordinance for "Standard Traffic Ordinance for Kansas Cities," 47th Edition of 2020, as amended, and direct the Mayor to sign.

2) Adopt Ordinance for "Uniform Public Offense Code," 36th Edition of 2020, as amended, and direct the Mayor to sign.

ORDINANCE NO. 1130

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF LOUISBURG, KANSAS; INCORPORATING BY REFERENCE THE “STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES”, 47TH EDITION OF 2020, AS AMENDED HEREIN; PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NO. 1109.

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

Section 1. INCORPORATING STANDARD TRAFFIC ORDINANCE. Except as amended by Section 2 herein, 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, 47th 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. 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. 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. Amendments. The “Standard Traffic Ordinance” 47th Edition of 2020 is hereby amended as follows:

Section 1. Definitions.

Motorized Skateboard. A self-propelled device which has a motor or engine, a deck on which a person may ride and at least one wheel in contact with the ground.

Section 114.5. Unlawful Operation of a Work-Site Utility Vehicle.

- (c) Notwithstanding the provisions of subsection (a)(1), persons may operate a work-site utility vehicle on a federal highway or state highway under the following conditions:
- (1) The operator of the work-site utility vehicle must be a licensed driver and be operating within the restrictions of the operator’s license;
 - (2) The federal highway or state highway must have a posted speed limit of 65 miles per hour or less;
 - (3) The operator of the work-site utility vehicle must operate the work-site utility vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left turn; and
 - (4) So long as the operation of such vehicle complies with any applicable federal or state law, statute or regulation.

Section 3. 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 4. 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 5. 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 5th day of October, 2020.

Marty Southard, Mayor

ATTEST:

Traci Storey, City Clerk

ORDINANCE NO. 1131

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”, 36TH EDITION OF 2020, AS AMENDED HEREIN, AND REPEALING ORDINANCE NO. 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. Except as amended by Section 2 herein, 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. 1131 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. Amendments. The “Uniform Public Offense Code” 36th Edition of 2020 is hereby amended to exclude the following sections:

Section 5.7. Selling, Giving or Furnishing Cigarettes or Tobacco Products to a Minor.

Section 10.13. Barbed Wire.

Section 10.29. Violation of a Public Health Order.

Section 3. 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 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 5th day of October, 2020.

Marty Southard Mayor

ATTEST:

Traci Storey, City Clerk

Memo

To: Louisburg Governing Body

From: Nathan Law

Date: October 1, 2020

Re: MoKan Dial, Inc. Franchise Agreement

Background: City Finance Director has been in discussions with Tammy Souza, VP of Finance & Services with MoKan Dial's parent corporation, regarding an update franchise agreement with the City of Louisburg. The previous franchise agreement lapsed in 2015, and recently was reviewed as part of efforts to review all existing franchise and other agreements. The previous franchise agreement is attached with this memorandum, along with the draft ordinance for a new agreement. The term being sought for the new franchise agreement is ten (10) years, which is not only standard for these types of agreements, but is also strongly recommended by staff. The percent of gross revenue included within the agreement as a franchise fee paid to the City of Louisburg is proposed to remain at 5%. Any change in the percent received as part of these agreements are legally allowed to be passed directly to customers of the company. No increase is being recommended for that reason.

Financial: The current terms provided the City approximately \$5,800 in revenue in 2019. This is part of the 23% of "All Other" shown on the "2019 General Fund Revenue" slide from the 2021 budget presentation, and part of the budgeted \$75,000 in franchise fees in 2021 expected revenue for the general fund.

Legal: None.

Recommendation: Approve the ordinance granting a nonexclusive telephone franchise to MoKan Dial, Inc. as presented.

ORDINANCE NO. 887

AN ORDINANCE GRANTING MOKAN DIAL, INC., A KANSAS CORPORATION, ITS SUCCESSORS AND ASSIGNS, A TELEPHONE FRANCHISE, PRESCRIBING THE TERMS AND CONDITIONS THEREOF, AND RELATING THERETO, AND REPEALING ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH OR CONFLICTING WITH THE TERMS THEREOF.

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

SECTION 1. That in consideration of the benefits to be derived by the City of Louisburg, Kansas, and its inhabitants, it is hereby granted to MoKan Dial, Inc., hereinafter designated as "Grantee", said Grantee being a Kansas corporation, the right, privilege and authority for a period of ten (10) years from the effective date of this Ordinance, to occupy and use the present and future streets, avenues, alleys and other public places of said City and such future annexed areas for the placing and maintaining of telephone lines, together with all necessary and desirable appurtenances, including underground conduits, poles, towers, wires and other appurtenances, necessary to carry on the business of a telephone public utility and render telephone services to the City of Louisburg, Kansas, its inhabitants and persons or corporations beyond the limits thereof, and through said City and beyond the limits thereof; and to do all things necessary or proper to carry on said business of a telephone public utility.

SECTION 2. Payment to the City. That the Grantee, its successors or assigns, from and after the effective date of this Ordinance, shall, as consideration for this franchise and in lieu of any city, occupation, excise, revenue or license tax, pay monthly into the treasury of the City of Louisburg, Kansas, 5% of its gross receipts from the local service revenue from its local exchange tariff to subscribers within the limits of the City of Louisburg, Kansas, and at such time shall furnish to the City of Louisburg, a statement showing its total gross receipts from the local service revenues from the local exchange tariff to subscribers within the limits of the City during said period. The Governing Body of said City shall have a right to examine the books and records of the Grantee, sufficient to verify said statement.

SECTION 3. That the Grantee, its successors and assigns, in the construction, maintenance and operation of its telephone system shall use all reasonable and proper precaution to avoid damage or injury to persons or property and shall hold and save harmless the City of Louisburg, Kansas from any and all damages, injury and expense caused by the sole negligence of said Grantee, its successors and assigns or their agents or servants.

SECTION 4. That within sixty (60) days from and after the passage and approval of said Ordinance, said Grantee shall file with the City Clerk of Louisburg, Kansas, its unconditional written acceptance of this Ordinance.

SECTION 5. That any and all ordinances in conflict with the terms hereof are hereby repealed.

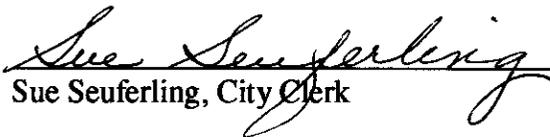
SECTION 6. That this Ordinance shall become effective and be in force and shall be and become a binding contract between the parties hereto, their successors and assigns, from and after its passage, approval, publication as required by law, and acceptance by the Grantee.

SECTION 7. That this franchise is granted pursuant to the provisions of K.S.A. 12-2001.

PASSED AND APPROVED This 4th day of April, 2005.


Arlen Thompson, Mayor

ATTEST:


Sue Seuferling, City Clerk

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE GRANTING MOKAN DIAL, INC. A KANSAS CORPORATION, ITS SUCCESSORS AND ASSIGNS A NONEXCLUSIVE TELEPHONE FRANCHISE, PRESCRIBING THE TERMS AND CONDITIONS THEREOF, AND RELATING THERETO, AND REPEALING ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH OR CONFLICTING WITH THE TERMS THEREOF.

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

SECTION 1. That in consideration of the benefits to be derived by the City of Louisburg, Kansas, and its inhabitants, it is hereby granted to MoKan Dial, Inc., hereinafter designated as "Grantee", said Grantee being a Kansas corporation, the right, privilege and authority for a period of ten (10) years from the effective date of this Ordinance, to occupy and use the present and future streets, avenues, alleys and other public places of said City and such future annexed areas for the placing and maintaining of telephone lines, together with all necessary and desirable appurtenances, including underground conduits, poles, towers, wires and other appurtenances, necessary to carry on the business of a telephone public utility and render telephone services to the City of Louisburg, Kansas, its inhabitants and persons or corporations beyond the limits thereof, and through said City and beyond the limits thereof; and to do all things necessary or proper to carry on said business of a telephone public utility.

SECTION 2. Payment to the City. That the Grantee, its successors or assigns, from and after the effective date of this Ordinance, shall, as consideration for this nonexclusive franchise and in lieu of any city, occupation, excise, revenue or license tax, pay monthly into the treasury of the City of Louisburg, Kansas, 5% of its gross receipts from the local service revenue from its local exchange tariff to subscribers within the limits of the City of Louisburg, Kansas, and at such time shall furnish to the City of Louisburg, a statement showing its total gross receipts from the local service revenues from the local exchange tariff to subscribers within the limits of the City during said period. The Governing Body of said City shall have a right to examine the books and records of the Grantee, sufficient to verify said statement.

SECTION 3. That the Grantee, its successors and assigns, in the construction, maintenance and operation of its telephone system shall use all reasonable and proper precaution to avoid damage or injury to persons or property and shall hold and save harmless the City of Louisburg, Kansas from any and all damages, injury and expense caused by the sole negligence of said Grantee, its successors and assigns or their agents or servants.

SECTION 4. That within sixty (60) days from and after the passage and approval of said Ordinance, said Grantee shall file with the City Clerk of Louisburg, Kansas, its unconditional written acceptance of this Ordinance.

SECTION 5. That any and all ordinances in conflict with the terms hereof are hereby repealed.

SECTION 6. That this Ordinance shall become effective and be in force and shall be and become a binding contract between the parties hereto, their successors and assigns, from and after its passage, approval, publication as required by law, and acceptance by the Grantee.

SECTION 7. That this nonexclusive franchise is granted pursuant to the provisions of K.S.A. 12-2001.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF LOUISBURG, KANSAS THIS 5TH DAY OF OCTOBER, 2020.

Marty Southard, Mayor

(Seal)

ATTEST

Traci Storey
City Clerk