

**CITY OF LOUISBURG, KANSAS
MINUTES OF REGULAR MEETING
JANUARY 19, 2021**

The Council of the City of Louisburg, Kansas met at 6:30 p.m. in regular session in the City Hall Council Chambers. Mayor Marty Southard presiding.

Council Members Steve Town, Donna Cook, Kalee Smith, Sandy Harris,
Kevin Vohs
City Administrator Nathan Law
City Clerk Traci Storey
City Attorney
Police Chief Tim Bauer
Fire Chief
Communications Coordinator Jean Carder
Public Works Supervisor Craig Hufferd
Visitors Tony O'Malley, Laura Gray, Jared Anderson, Roger Campbell

PLEDGE OF ALLEGIANCE

Councilmember Steve Town led the pledge of allegiance.

APPROVAL OF CONSENT AGENDA

Councilmembers Donna Cook had questions on the bills list. City Administrator explained the bills. Councilmember Sandy Harris moved, seconded by Councilmember Kalee Smith and carried 5-0, to approve the consent agenda to include adoption of the agenda and approval of the regular meeting January 4 minutes and special meeting January 11, 2021, minutes and bills list.

VISITORS

None

PUBLIC COMMENTS

None

DEPARTMENT REPORTS

Fire Department: None

Police Department: None

Public Works: None

CITY ATTORNEY'S REPORT

MAYOR'S REPORT

Mayor Southard asked for a 10 minute executive session for non-elected personnel. Councilmember Kalee Smith moved, seconded by Councilmember Steve Town and carried 5-0, to meet in executive session at the end of the regular meeting.

Mayor Southard introduced Jared Anderson from the audience. Mr. Anderson presented his resume to the Governing Body. Mayor Southard had appointed Mr. Anderson for the City Attorney position earlier last month. The Council had more questions so they tabled the appointment. Mr. Anderson is here to answer any questions that might arise. Councilmember Smith asked if there would be any issues with his regular job and if the City needed something from his employer. He said that would not be a problem. It is just like everyone here having a regular job. It is time management and making sure you fulfill other obligations. Councilmember Cook asked if he had worked for other municipalities. Anderson said yes, he has worked with municipalities through aspects of his previous jobs. Mayor Southard said the rate will be the first seven hours is a flat rate of \$1200. Every hour after is charged at \$225 an hour. Councilmember Town moved, seconded by Councilmember Harris and carried 4-1 (Smith voting no) to accept the appointment of Jared Anderson as City Attorney.

ADMINISTRATOR'S REPORT

Wastewater Treatment Plant – Engineering Contract Amendment Continued: City Administrator Nathan Law introduced Lamp Rynearson representatives Laura Gray and Tony O'Malley to speak with Council again about a contract amendment for engineering services on the wastewater treatment plant project. Mr. O'Malley thanked the Council for the opportunity to come speak and answer questions they may have. Councilmember Cook said she is still doesn't like

them waiting until the last minute to ask for more money. She asked if we don't accept this then will we be in a huge bind? Administrator Law said yes, shutting down construction is never good. Administrator Law said the legal opinion that Council asked for says the request for contract amendment is allowable by the sections referenced in the original contract. Councilmember Town asked if there was a way to bring the not-to-exceed cost down to a lower amount, perhaps \$45,000. Mr. O'Malley said that is something they could do. They want to work with the City and get this project finished. They can make the change order not to exceed \$57,000. Councilmember Town moved, seconded by Councilmember Cook and carried 5-0, to accept the change order not to exceed \$57,000.

Personnel Pay Consideration: Administrator Law said as presented at the last Council meeting, each year staff requests pay consideration of Council through the budget process and any additional consideration at the beginning of the budget year to coincide with annual evaluations. Staff is seeking approval from Council for pay considerations for pay-for-performance totaling up to 3% based on performance reviews, and a cost-of-living adjustment at 1%. The approved budget for 2021 currently includes maximum of 3% performance pay consideration. Each year staff reviews cost-of-living, basing any additional consideration on the year-over-year information found within the Consumer Price Index for Urban areas (CPI-U). The most recent year-over-year information shows a 1.2% increase in consumer pricing, which is kept lower this year than previous because of the decreased energy index, presumably related to the pandemic.

The General Fund bears 63% of all salaries, with each 1% equating to approximately \$12,000 in that fund; the remaining 37% is spread among the three enterprise funds. In total each 1% equates to approximately \$19,100 across all funds. As a directly tax supported fund, the General Fund is usually emphasized during these reviews.

Councilmember Cook said she talked to large companies, although not municipalities, where performance evaluations are based on measureable performance. Administrator Law said that is difficult as cities provide services and to quantify that you have to know what employees are tasked with each day. She asked if there are employee goals. Administrator Law said yes but not necessarily quantifiable goals. Mayor Southard said to quantify would be difficult and asked how, for example, the fire department would be evaluated, by the number of fires they respond to. Councilmember Smith said in her role as a teacher she is evaluated on daily performance not on quantifiable goals. Councilmember Town said making evaluations based on quantitative measures is difficult as employees

aren't working on an assembly line. Councilmember Cook said she does not believe all employees are exceptional. Mayor Southard again said that he thinks it is up to the department heads to determine their employees' performance. Councilmember Smith said that she is not in favor of putting a limit on the number of employees to get a certain percentage and thinks that Council needs to have faith in the department heads who complete the evaluations but at some point how do we raise the bar for evaluations. Councilmembers would like to see the percentages per department after they have been calculated.

Councilmember Smith moved to approve a 1% COLA and up to 3% for performance. Councilmember Kevin Vohs seconded. Motion passed 4-1 with Councilmember Cook voting no.

Master Planning Review Continued: Included as part of the administrative goals list is a regular review of master planning projects, goals and objectives. This is the fifth section of the City Strategic Plan, as found within the Bright Future Comprehensive Plan.

Enhance Neighborhood Livability:

1. Identify funding source and explore a residential property improvement incentive
2. Identify funding source and prepare a neighborhood design manual
3. Organize a neighborhood green-up and clean-up event in traditional neighborhoods
4. Prepare a neighborhood CIP that prioritizes sidewalk, street and other infrastructure enhancement needs
5. Explore steps in which Louisburg can become a Certified Local Government with the Kansas State Historic Preservation Office, a division of the Kansas Historical Society; gaining CLG status could be explored with Miami County
6. Upon gaining CLG status, apply for CLG grant to conduct architectural and historical survey of traditional neighborhoods and downtown

There currently exists a modest residential property improvement incentive by way of the FLIP. A neighborhood design manual would be used to provide aesthetic and infrastructure guidelines for new or existing neighborhoods. While there may be benefit to developing such a guide, staff believes that to be lower priority at this time. Currently there are local groups that organize park clean-up events, there are instances where those groups have taken on efforts to help clean-up properties for those that are unable to do so themselves. A neighborhood CIP would pull from

existing master planning documents to prioritize projects and future funding. Staff is able to accommodate this item if desired by Council for ongoing budget processes. Staff is aware of past efforts to work toward CLG status for Louisburg but believe that effort stopped short of finalizing the certification. Staff is working with the Historic Preservation Commission to either complete the previous process or begin the process again. The last item would be assisted by staff but would be the charge of the Historic Preservation Commission.

Councilmember Cook asked if there is still a local Historical Preservation Commission. Administrator Law said yes, Travis Thompson is the Chairperson. The commission met in early January. Councilmember Harris asked if gaining CLG status benefits people. Law said it would be the historical value. Councilmembers all agree to approve the process as discussed.

Housing Incentive Options: Administrator Law presented information following the request made by Roger Campbell at a previous Council meeting where Staff was asked to summarize incentives and provide information to Council. The following is brief information for several incentives, some specifically allowed within the City of Louisburg Incentive Policy, some simply allowed separately by statute. Few of these incentives apply to housing or non-commercial development.

Tax Increment Financing – This applies to infrastructure only and is a reimbursement of the cost of public infrastructure paid from the collection and direct distribution of increased property taxes realized from the development. Mr. Campbell’s property already has most, if not all, of the infrastructure in place.

Industrial Revenue Bond – Our policy is specific to job creation, and state statute limits use to commercial, industrial, agricultural, etc., not to residential development. Aside from this limitation, there is an inherent risk associated with issuing bonds to pay for development, but that can be offset with contractual arrangements.

Reimburse Taxes – While not a specified incentive, there could be the option to reimburse the taxes collected for the new property valuation. The issue is that the City would only be able to control its portion of the overall taxes. If the City were to reimburse all other taxes, from all other entities, then the City would be providing an incentive that is greater than the taxes collected.

Neighborhood Revitalization Program – If this property was located within a neighborhood revitalization program area, the taxes could be abated for a specified timeframe.

Constitutional Tax Abatement – Used for business development and creation of jobs only.

Affordable Housing Fund – The City of Lawrence developed a fund for affordable housing that in the past has received funding from property taxes by way of the General Fund and is now receiving funds from a 2 sales tax dedicated to that effort. The City of Louisburg could consider forming some sort of in-house offering like this but would be harder pressed to produce significant funding in the short-term. The City would also need to form a Housing Board. Staff is currently not sure if this requires some additional authority such as a Land Bank or other state approval.

Housing Incentive - This incentive tool can be crafted very specifically to minimize the years of qualification, the types of costs that can be included for incremental tax reimbursement and can be written in such a way to provide incentive only for limited uses. The incentive tool is intended to bolster creation of housing similar to what Mr. Campbell is requesting. Council could direct that any development in approved areas be allowed up to a maximum number of years of 100% property tax reimbursement for only the cost of infrastructure and construction. This incentive tool is specifically designed to address the requested consideration.

Waive Direct City Costs – The City charges for building permits (waived for single-family housing in 2021), utility connect fees, monthly utility base fee, and monthly utility variable fee.

Example of Costs for new Single-Family Residence:

Building Permit	\$1,250
Water Connect	\$3,150
Sewer Connect	\$2,500
Gas Connect	\$113.03
Monthly Water:	
Flat Rate	\$25
Variable	\$7.45/1,000 gal.
Monthly Sewer:	
Flat Rate	\$27

Variable	\$9.75/1,000 gal.
Monthly Gas:	
Flat Rate	\$18
Variable	0-999 therms - \$0.76575
	1,000-3,999 therms - \$0.73250
	4,000 or more therms - \$0.69975
Monthly Stormwater:	
Flat Rate	\$4
Variable	N/A

If the City waived all permit and connect fees, approximate savings of \$7,013.03/unit, waiving permit and connect fees is equivalent to over one year of property taxes of similar housing units in the same area, an average of \$6,270.67. For eight units, this would equate to approximately nine years in total of the average property taxes.

If allowed a housing incentive of five years, inclusive of all taxing entities allowable, that would equate to an estimated tax incentive of \$38,366.38 (\$6,270.67 x 5 years). The return value being the regular utility payments made by tenants, sales tax on local spending, base student aid per pupil, and eventual inclusion of property to tax rolls.

In addition to the incentive tools listed above, there is a traditional approach to new infrastructure extension that provides for debt issuance by the City and repayment from development through 3 assessments. While this does not directly apply to the current request, this is useful information for any additional new development request received in the future. The information for this is as follows.

Debt Issuance and Assessments – This has been used in the past where the City will debt the cost of extending infrastructure based on a written agreement with a developer, having the infrastructure installed, and allowing for assessments against the properties over 10 or 20 years to pay back the cost to the City. This process is specifically allowable by Cities under the general improvement and assessment law and is arranged as a debt issuance. The drawback of this tool is that infrastructure costs are directly borne by the eventual property owner once a home is built and sold.

A way to make debt issuance and assessment an incentive would be to consider a split of the overall cost that may be carried by the City, rather than being assessed against the property. A policy may be created to allow for such a split.

Excise Tax and Park Land Fee – Separate from building fees and construction cost are the excise tax on platting properties and the park land fee in lieu of dedicating public park land in a new subdivision.

Excise Tax – Ordinance 821 was approved in 2003 and assigns an excise tax on the square footage of real property, not only on area to be developed but on the entire property. This tax is common in this area of the state, and the amount of \$0.12/sf is lower than the amount charged in cities to the north. Excise tax is calculated during the preliminary plat process but charged when a final plat is approved. Credits to reduce this tax can be from required street installation or improvements, dedication of public park land to the City, or dedicated public space to be kept and used by a homeowners association.

Park Land Fee – Where no homeowners association or other public park is allotted, multi-family properties are issued a cost of \$200 per unit. Subdivision developments are required to contribute either park land or fees in lieu of park land, the calculation for the latter is based upon a licensed real estate appraiser determining the market value of land that would have been required dedicated as park land and that value is paid to the City. Those funds are required to be kept in a separate escrow account and shall only be used for park and recreational purposes within one mile of the area in which the funds were received.

Councilmember Smith said she has a hang up on tax abatement. The last time we discussed incentives it put a bad taste in her mouth. She asked if a workshop were possible where this information could be discussed in greater detail. Administrator Law said of course we can. Councilmember Cook asked if Council would always know when an incentive policy would be used. Law said it would always come to Council for approval. We will send out some potential workshop dates within the month.

Roger Campbell of Summerfield Village addressed the Council regarding incentives. He has two lots that he would like to build 4 units together for rentals. This would be a win for the City having more tax money come into our town, along with more kids in the school district. Campbell said he is willing to participate in the workshop as a consultant. This would be no charge of course.

Fire Department Part-Time Staffing Request: Chief Rittinghouse has requested staff bring forth a request for consideration of part-time firefighter assistance at the Fire Station. Currently two part-time firefighters have been

helping to ensure the station and equipment are cleaned and sanitized as part of pandemic response. Those two positions previously were reimbursed through state funding. That funding ceased as of December 31, 2020, whereas the need for this assistance has not.

Chief Rittinghouse provided that the benefits of having part-time firefighters at the station include:

- Reduction of response time to fire calls reduced from four or five minutes down to one minute
- These individuals help limit exposure to select few firefighters as opposed to various responding personnel
- Decontamination is considerably easier due to limiting responding personnel
- Weekly equipment checks are compatible from week to week
- Working with emergency medical service (EMS) crews on a daily basis instead of various responding personnel and greater familiarity with the sometimes daily changes for personal protective equipment (PPE) requirements of different nursing homes in this district
- Qualifications for part-time assistance is limited to those with five years experience in the field as certified firefighter and emergency medical technician (EMT)

The part-time individuals will be expected to help with Fire Prevention Week and general community outreach, as well as assisting with the smoke detector program. The smoke detector program is the provision and installation of detectors for Louisburg citizens, as well as changing batteries on a regular basis.

The cost of this request for two part-time firefighters is approximately \$29,000 annually. For 2021 that would increase the personnel costs of the Fire Department by approximately 13.5%, estimated to total \$243,364.22.

Councilmember Harris asked how reduction of response time to fire calls can be reduced from four or five minutes down to one minute. Brad Seely, representing the fire department, said any part-time personnel would be able to respond faster since they would already be at the station. These part time firefighters would also help in the decontamination of the fire trucks and cleaning of the fire hoods. Councilmember Harris asked how many of our firefighters are trained for this position? There are about 12 personnel that meet these qualifications. Councilmember Smith moved, seconded by Councilmember Vohs to add these two part-time positions at the station. Councilmember Town asked why not open this

up to those without the 5 years of medical experience. Administrator Law said it is due to the number of medical calls they respond to. Councilmember Vohs said if someone went to a call that wasn't certified would the City be liable? Law said he would look into this. There will always be 2 part-time employees on duty and they would rotate schedules. Councilmember Cook asked who cleans the fire station. Mr. Law said this is the EMS crew, Fire Chief and volunteer firefighters clean the building. Motion carried 5-0.

COUNCIL REPORTS

Councilmember Cook: Councilmember Cook would like to look into the cost of having professional snow removal. Mayor Southard said he thinks the City does a great job at it. Cook would like to have some bids.

She asked about a berm issue around Hidden Creek. Administrator Law said he was notified this issue was taken care of, but will follow-up again on it.

Councilmember Cook asked how many water and gas meters do we have? Hufferd said around 1,486 gas meters and 1,700 water meters. We only have 80 water meters left to install, which are on order but have not arrived, and the gas meters are on-hand and will go in quickly, he said.

Councilmember Harris: Councilmember Harris said the bubblers are working great at the lake.

He attended the last Park Board meeting where a Scout earning his Eagle Scout would like to create a gaga ball pit for his project. They are still looking for locations. It was asked if the City helps pay for these projects. Mr. Law said no, it is up to the Scout to get the funding and complete the project. Field usage fees were also discussed along with purchasing some new picnic tables. The trash has been overflowing at the Park. Public Works will make sure this is taken care of. Harris said the disc golf is a real hit. Soon the Library will have equipment to check out so everyone can play.

Councilmember Vohs: Councilmember Vohs asked how much land was at Lewis-Young Park. Administrator Law said there is over 200 acres in the Park. We also have the hay field that is in the Park. Vohs said he would love to see outdoor tennis courts, basketball court and other activities out there. The basketball court at the City Park is too small, and the school is hard to get into and expensive. Osawatomie has a great baseball park that has something for everyone. Vohs asked

about the possibility of building a recreation center with indoor courts. Councilmember Smith said she agrees and the Council has been talking about this for years. Mr. Vohs said we need something that draws people to our community. Administrator Law said this is something we can discuss with the LRC as well.

Councilmember Cook asked if the trash is being picked up at all parks. Public Works Supervisor Hufferd said yes and said dog pick-up stations were recently installed along the new trail at LYP.

EXECUTIVE SESSION

Councilmembers went into executive session for 10 minutes, starting at 7:52 p.m. and ending at 8:02 p.m. to discuss non-elected personnel.

REGULAR SESSION

No action was taken in result of the executive session.

ADJOURNMENT

At 8:03 p.m. Councilmember Sandy Harris moved, seconded by Councilmember Kalee Smith and carried 5-0, to adjourn the meeting.

Approved:

Marty Southard, Mayor

Attest:

Traci Storey, City Clerk