

**CITY OF LOUISBURG, KANSAS
MINUTES OF REGULAR MEETING
FEBRUARY 21, 2023**

Livestream: <https://boxcast.tv/view/louisburg-city-council-22123-jhdherlg4qfxs6xfb4sr>

The Council of the City of Louisburg, Kansas, met at 6:30 p.m. in regular session in the City Hall Council Chambers. Mayor Donna Cook presiding. Councilmember Scott Margrave arrived at 7:45 p.m. Councilmember Clint Ernst was absent.

Council Members Steve Town, Scott Margrave, Tiffany Ellison, TJ Williams
City Administrator Nathan Law
Finance Director Rick Mikesic
Police Chief Josh Weber
Fire Chief Gerald Rittinghouse
Public Works Supervisor Craig Hufferd
Communications Coordinator/Recording Secretary Jean Carder
City Attorney Jared Anderson

PLEDGE OF ALLEGIANCE

Councilmember Steve Town led the pledge of allegiance.

APPROVAL OF THE CONSENT AGENDA

Mayor Cook said there were several agenda items that would need to be moved. She said she would like to move her requested executive session and then approve appointments to after Councilmember Scott Margrave arrives.

Councilmember TJ Williams moved, seconded by Councilmember Town and carried 3-0, to adopt the adjusted agenda.

Councilmember Tiffany Ellison moved, seconded by Councilmember Williams and carried 3-0, to approve the minutes.

Councilmember Town moved, seconded by Councilmember Ellison and carried 3-0, to approve the bills list.

SCHEDULED VISITORS

None

PUBLIC COMMENTS

Thorvald McKiernan, S. 11th St., said he was on the Council when the Amity Trail started. He said he thinks the trail can be constructed for less money. He encouraged Council to cancel the contract and use the money to fund other projects.

EXECUTIVE SESSION

Councilmember Town moved, seconded by Councilmember Ellison and passed 3-0, to go into executive session to consult with the City Attorney as allowed by KSA 75-4319(b)(2) for an attorney consultation for time deemed as privileged with the required presence of the City Administrator and Municipal Judge for 10 minutes with the open meeting to resume at 6:50 p.m. Administrator Law said the judge will attend by interactive communication.

Council returned to open meeting at 6:51 p.m. with a motion by Town, seconded by Ellison and passed 3-0, to return to executive session to consult with the City Attorney as allowed by KSA 75-4319(b)(2) for an attorney consultation for time deemed as privileged with the required presence of the City Administrator and Municipal Judge for 10 minutes with the open meeting to resume at 7 p.m.

Council returned to open meeting at 7 p.m.

DEPARTMENT REPORTS

Police – Chief Weber told Council he would like to hire Brian McMaster as a new officer. McMaster lives in the area and will need to go through law enforcement training. Weber said McMaster has some experience working security. Councilmember Ellison asked if new hires will have to fulfil the 2-year commitment to earn bonuses. Weber said that is correct. Councilmember Town moved, seconded by Councilmember Williams and passed 3-0, to hire McMaster at pay scale 4-2B. Weber introduced McMaster who was in attendance and is able to start soon as he has already provided 2-week notice at his current employer.

Weber said his staff is still working on cleaning out the evidence room. Weber said the internet provider has adjusted the service speed and they will continue to evaluate. Employment flyers are going out. Unit 8 has some mechanical issues. Weber said it's a pricey repair so he is soliciting additional bids. He is also checking with other agencies to see if this might be a model issue.

Mayor Cook asked Weber if he will have information for new vehicles for the budget process. Weber said he is currently checking with other agencies to see if they might have information on hardline maintenance costs to see if one patrol car brand is better than another.

Fire – Chief Rittinghouse said his department has responded to 54 calls so far this year in the city and county. He reminded everyone that anything brown is fuel and said we are approaching the season for grass fires. He said even a few good rains will not cure this problem.

Public Works – no report

Administration – no report

City Attorney – no report

MAYOR'S REPORT

Mayor Cook asked if we are still having issues with Suddenlink. Administrator Law said we are still helping residents with reporting issues. Ellison asked if they are done. Law said they are with construction. Ellison said there is a communication box near Amity & Summerfield with the lid off. She isn't sure to whom the equipment belongs.

Administrator's Report

Dog Park – Administrator Law said the Council had asked Staff to take this topic to the Park & Tree Board for discussion of a location for a dog park on city property. Law said the board reviewed the options presented by council and in addition discussed locations at Lewis-Young Park. Law said the only motion that was approved by the Park board was for the location on the east side of the Aquatic Center. Councilmember Town said that area has a slope to it and asked if it would be suitable. Law said it does slope going north to south but the slope is not so steep to eliminate it from consideration. Town asked if there would be a need for additional parking at that location. Law said parking could be added along Wildcat Drive if needed. There is also potential parking at the nearby school property. Law said when the pool is open there might be a parking concern but would be fine for the off season. Mayor Cook asked if Staff had talked with the insurance company about any additional liability. Law said he has not but can get that information and return it to Council. He said it will really come down to posted rules and be individual responsibility. Dog park organizers Michelle Olson and Jessica Crozier both said the east side of the pool is preferred over the west side of the pool as it is a bit further away from the pool. Councilmember Williams moved to locate the dog park on the east side of the pool. Councilmember Ellison seconded the motion. Councilmember Town asked if we need to put in a parking area prior to opening. Law said he thinks that would be needs driven. Town said most dog parks are level without a slope. He said he thinks the location might be too steep. Olson and Crozier said they looked at the site and think it will be suitable. Crozier said many parks have varied terrain and having a space for a dog to run is the best. Councilmember Ellison asked if the city would establish the rules. Law said it would. The motion passed 3-0.

Streets RFP – Law said Public Works Supervisor Hufferd provided additional information from the RFP update. This includes the original street list and additional streets from Councilmember Town. Costs range from \$379,940 for Option 1, \$360,171 for Option 2 and \$516,945 for Option 3. Williams asked Hufferd if these streets would cost more if they were not included in this year's list or if there might be issues if not included. Hufferd said these streets would be on the list within the next few years regardless. Williams asked Town if any of these added streets could be a liability. Town said no but thinks they should be added to the list for next year. Williams asked what was budgeted for street work. Law said \$700,000 is in the current year for streets, crack seal and pavement striping. Hufferd said crack seal is about \$75,000. Law said if the Council is inclined to add additional streets it is still within the budgeted amount. Mayor Cook said she would rather hold off on streets to next year if they aren't critical and would save \$140,000. Councilmember Ellison asked for clarification on the options. Williams said Option 1 follows the original schedule. Option 3 is the schedule plus Town's recommendations. Option 2 is a mix and match of the schedule and Town's recommendations. Councilmember Williams

moved, seconded by Town and carried 3-0, to approve Option 1 as proposed for street improvements for 2023.

Natural Gas System Operation – Administrator Law said that Black Hills Energy rescinded their lowest bid based on the re-released RFP and USDI provided a new bid based on the adjusted response time. Bids from three different companies were received. Councilmember Williams suggested the City should look into a multi-year deal but that could be done in the future and suggested that USDI is chosen and to entertain the notion of a reduced cost for a multi-year deal. Hufferd suggested going with a one-year deal to make sure the operations run smoothly and then consider a multi-year deal after the first year. Williams moved, and Ellison seconded and carried 3-0, to approve the one-year contract with USDI for \$117,000 to take over the natural gas systems operations. Town asked if the company would be evaluated prior to any future negotiations. Law said it would.

Amity Trail – Law said the current discussion is whether or not to continue with the trail construction. Williams asked if we had reached out to the property that was potentially be impacted. Law said we had not as the trail is now adjacent to but does not impede the residential property. Williams asked if the trail will be on the Vintage Park driveway. Law said it is a bit but Vintage Park officials are aware and have provided approval for the trail. Cook asked if we had determined what it would cost to build the trail in-house. Law said no and a final decision does not need to be made at this meeting. He can put together potential costs and bring back. Ellison asked about lighting. Law said the Park & Tree Board is currently looking at lighting to possibly be placed in places along the Lake trail and this trail could be added to that project. Ellison said she thinks visibility and safety is an issue. She said she thinks we can accomplish this trail on our own more quickly and cheaper. Cook asked councilmembers if they would like to table this. Town asked to have it tabled to allow Law to provide additional costs or other options. Law said he would bring this back at a future meeting. Williams said if the trail traveled north on Rogers Road to Amity the building at that corner would likely pose setback issues. Law said it would which was why this location was chosen. Ellison asked if any of the neighbors had been contacted. Law said they have not as the trail is not placed on their properties.

Ordinance to Remove State Residency Requirement – Law described this ordinance and said it removes a residency requirement for some appointed officers as currently required by City Code. City Attorney Anderson said he has reviewed this ordinance and there are no concerns. Ellison asked if licensing requirements will still be tied to Kansas licenses. Anderson said this change will apply to all appointed officers with the exception of the city attorney, city judge and law enforcement officers as outlined in K.S.A. 15-204.

Councilmember Scott Margrave arrived at the meeting at 7:45 p.m.

Law said to change the residency requirement for those three appointed positions would require a Charter Ordinance. Town moved, seconded by Ellison and carried 4-0, to accept Ordinance 1180 as presented.

Executive Session – Mayor Cook asked for the requested second executive session since Councilmember Margrave arrived at the meeting. Ellison moved, seconded by Margrave and

carried 4-0, to move into executive session to discuss non-elected personnel as allowed by K.S.A. 75-4319(b)(1) with the required presence of the City Administrator for 15 minutes and to resume in open meeting at 8:05 p.m.

Council returned to open meeting at 8:07 p.m. with a motion by Ellison, seconded by Williams and carried 4-0, to return to executive session to discuss non-elected personnel as allowed by K.S.A. 75-4319(b)(1) with the required presence of the City Administrator for 15 minutes and to resume in open meeting at 8:25 p.m.

Council returned to open meeting at 8:26 p.m. with a motion by Ellison, seconded by Town and carried 4-0, to return to executive session to discuss non-elected personnel as allowed by K.S.A. 75-4319(b)(1) with the required presence of the City Administrator for 15 minutes and to resume in open meeting at 8:44 p.m.

Council returned to open meeting at 8:44 p.m. with a motion by Ellison, seconded by Town and carried 4-0, to return to executive session to discuss non-elected personnel as allowed by K.S.A. 75-4319(b)(1) with the required presence of the City Administrator for 10 minutes, then amended that to 15 minutes, to resume in open meeting at 9 p.m.

At 9:03 Council resumed the meeting in open session.

Appointments – Mayor Cook said all appointments but City Clerk and City Attorney will be filled and those will be named at a later date. Cook asked for a motion to accept her appointments. Williams moved to accept those appointments. Ellison seconded the motion. Motion carried 3-1 (Town voting no). Cook told Law she would provide an official appointment list to him.

Building Code Modifications/Waiver Process – Law said this was discussed in the earlier workshop and City Code allows for the Building Official to provide exceptions to certain building requirements. Law said this authority exists but there is no process or policy for providing an exception. Law said this generally falls under the public officer which is him but would likely be delegated to the appropriate staffer and likely the community development director once hired. Ellison noted since this position might take a bit to hire, asked if there is anything pressing that would require this. Law said there is not. He said some requirements that could be waived include items like stamped plans but building codes still need to be followed. He has no concerns if the Governing Body is ok. Town asked what happens if something is waived in the meantime. Law said it is not waiving code requirements, things still have to be built to the code requirements and will be inspected as such. No action was taken.

Appointment of City Prosecutor – Cook said this could not be filled until the residency ordinance was approved earlier in the meeting. Law said the ordinance has to be published and is scheduled to publish in the next day's newspaper. Law said the council could provide pending approval per publication and would be legal after published. Cook asked for a motion to approve Angela Fitle as the prosecutor. Town made that motion, seconded by Williams and approved 4-0.

Master Planning Review – Law said he is happy to answer any questions about the master plan review memo the Council has in front of them. Ellison said there was discussion by Council in

November 2019 based on the drawing attached in the memo to approve a downtown pavilion at the estimated cost of \$769,783.33. She wanted to follow up with that. Law said it was approved but later stripped out in the budget process. Ellison said in October of 2019 it was listed as a budgeted item for 2021. Law said there likely was a change in the process that would have put a stop to that, which has happened over the years. Town said the cost of the project put it at the bottom of the budget items. Law said most recent discussion had been a covered pavilion with roll-up sides. Williams said one-third of the sale of the city-owned property, minus \$80,000 for a new city sign, was allocated to that structure. Ellison asked what needs to happen to move forward. Law said we could go back to McClure to get a new drawing. This was a preliminary concept. Cook asked if this will be brought back. Law said there needs to be a budget consideration.

COUNCIL REPORTS

Williams – He said he received a complimentary email about Staff’s response to a recent water leak.

Ellison – Because of tonight’s council meeting, she was unable to attend the LRC meeting. She appreciated the update on the HAWK signal that was provided by Law during the workshop.

Margrave – nothing to report

Town – nothing to report

ADJOURNMENT

At 9:20 p.m., Williams moved, seconded by Margrave and carried 4-0, to adjourn the meeting.

Approved:

Donna Cook, Mayor

Attest:

Jean Carder, recording secretary