

**CITY OF LOUISBURG, KANSAS  
MINUTES OF REGULAR MEETING  
MARCH 1, 2021**

The Council of the City of Louisburg, Kansas met at 6:30 p.m. in regular session via Zoom. 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 Jared Anderson

Police Chief Tim Bauer

Fire Chief Gerald Rittinghouse

Communications Coordinator Jean Carder

Public Works Supervisor Craig Hufferd

Visitors Peter Werkowitch, Chad Rowe, Bert Griggs, Curtis Riley, Jon Shellhorn

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF CONSENT AGENDA**

City Administrator Nathan Law said there won't be a bills list tonight. With the Finance Director vacancy, the bills will get paid by the Finance Clerk. Councilmember Donna Cook asked about the management selection for the pool this summer. Administrator Law said every person must complete a formalized application process. This year we will have formal job descriptions and a seasonal handbook with training. Cook inquired about the Amity trails match. Councilmember Kalee Smith moved, seconded by Councilmember Steve Town and carried 4-0, (Councilmember Harris was off the zoom) to approve the consent agenda to include adoption of the agenda and approval of the regular meeting February 16, 2021 minutes.

**VISITORS**

Peter Werkowitch with the PTO is asking for 2 family pool passes for the 2021 season. Last year the donation raised \$200 for the PTO. This money helps support teachers and kids with activities and other support items. Councilmember

Smith moved, seconded by Councilmember Cook and carried 4-0, to donate two family pool passes to the PTO.

Chad Rowe a resident of Louisburg is looking to purchase 8 acres to build two houses. These homes would not be part of a subdivision. Rowe said with the excise tax being discussed it would drive the price up \$41,000. Councilmember Kevin Vohs asked if it is matter how it is zoned and if it is not a subdivision can the excise tax be waived. Administrator Law said we will be discussing this later in the agenda. Rowe said he would like to have an answer before purchasing the land at the end of March.

### **PUBLIC COMMENTS**

None

### **DEPARTMENT REPORTS**

**Fire Department:** Fire Chief Gerald Rittinghouse said an ice rescue training was conducted last week. It went really well and there were no injuries.

Two volunteer firefighters went to Hutchinson for two weeks for fire school. They put in a lot of training and we should have the results of testing soon.

**Police Department:** Chief Tim Bauer said the Police Department would like to purchase a budgeted new 2021 Ford Police interceptor SUV to replace Patrol Vehicle #5, a 2015 Ford Police Interceptor SUV, which has 95,250 miles on it and should be replaced. The price at Louisburg Ford is \$35,651.00. Councilmember Cook asked if we traded in the old car. Chief Bauer said it is sold on Purple Wave Auction after removing equipment and decals. Bauer said the extra equipment needed for the patrol car will cost around \$6,500 -\$8,000. Councilmember Vohs asked how much do we usually get from Purple Wave. Bauer said with this many miles probably around \$4,500 - \$5,500. Vohs asked if the mileage is normal with 95,000. Bauer said they also look at the engine hours and wear and tear of the vehicles. We keep good track of all maintenance on all our fleet. The Kansas Highway Patrol usually trades their vehicles in at the 50,000 mile range. Councilmember Cook asked if these are mostly driving around the City. Bauer said they also assist the County as well if needed. Councilmember Town asked if staff helps with the install of equipment. Bauer said they used to, because of the design of the vehicles it is harder to do in-house installation with newer models. Councilmember Steve Town moved, seconded by Councilmember Kalee Smith to

accept the recommendation to purchase the 2021 Ford Police Interceptor from Louisburg Ford for \$36,651.00. Councilmember Vohs asked if that also included the \$8,000 worth of extra equipment. Chief Bauer said that was included in the budget already but is separate from the purchase price of the vehicle. Motion carried 5-0.

Chief Bauer said he is in the hiring process of two candidates. He will bring them to the next meeting. This will get the department to thirteen full-time officers as approved previously.

**Public Works:** Public Works Supervisor Craig Hufferd has received one bid for plowing. This bid was \$4,000 to \$6,000 per scrape and included sand and salt.

Hufferd will be putting a list of broken equipment on Purple Wave soon. Cook asked if we ever fix the equipment or just sell it. Hufferd said the Henniker was already fixed once last year. Harris asked about when silt fencing would be put on Danford. Law said that is Building and Zoning question and he would take a look at it.

**Finance Department:** City Administrator Law said we need to remove Finance Director Pat McQueen and add Finance Clerk Kelly Bond to the First Option account. Councilmember Town moved, seconded by Councilmember Harris and carried 5-0, to remove Pat McQueen from the First Option Bank accounts.

Councilmember Smith moved, seconded by Councilmember Vohs and to add Kelly Bond, finance clerk, to the First Option Bank accounts and signature card. Councilmember Cook asked when a Finance Director is hired, would Bond be removed. Administrator Law perhaps, but it should not make a difference for processing payments. Motion carried 5-0.

## **CITY ATTORNEY'S REPORT**

City Attorney Jared Anderson gave an update regarding a police subpoena. Anderson said all Councilmembers received the Code of Procedures recently. He would be happy to set up a workshop to cover these things. It was agreed to wait until the expected vacancy is filled.

## **MAYOR'S REPORT**

Mayor Marty Southard reported he spent a day with seventh graders last week. They talked about how they would like to see pool enhancements and ball field upgrades. One of the kids asked about a civic center and all the kids were really interested. He talked to them regarding budget and costs of a civic center. Councilmember Vohs had recently brought up a Recreation Center. The kids are really hoping we get one.

## **ADMINISTRATOR'S REPORT**

**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 eighth section of the City Strategic Plan, as found within the Bright Future Comprehensive Plan.

Maintain up-to-date infrastructure systems:

1. Update water system plan
2. Conduct a comprehensive plan water drainage study
3. Prepare a utility master plan
4. Map all floodplain areas

Staff has put effort into a water system plan update, with some sections of water system identified for potential replacement in the short-term. A formal update of the water system plan, much like other planning, may need to be accommodated by an outside firm. A citywide stormwater study has been conducted and recommended areas of focus are being engineered for future improvements. A utility master plan is another process that would need accommodated by an outside firm. Utility maps have all been updated within the last five years, and selective maintenance and replacement projects have been initiated and completed in the same time. There exists through FEMA flood maps for Louisburg, copies of which may be accessed through the U.S. Department of Homeland Security at any time. The latest version of those maps is also located electronically in City Hall. Councilmember Cook asked to see the Stormwater Plan and maps. Law said these are posted on the City website document center.

**Wastewater Treatment Plant – Change Order:** Staff has noted that there would be another change order for the wastewater treatment plant due to the access road. There have also been additional weather delays realized since the last change order presented to Council. Attached is Change Order No. 3, as compiled by Lamp Rynearson, that includes the north asphalt access at the WWTP and the additional weather days up to current. This extends the substantial completion date to April 7,

2021. The WWTP will be online the week of March 1, 2021 with only the final completion items to wrap up. This change order does not address the continued delay in getting the north pump station constructed, which will likely lead to a separate change order consideration for extending substantial and final completion dates. Councilmember Cook asked why we should have to asphalt this area. Administrator Law said our City Code requires roads to be asphalted. Cook said if chip and seal is cheaper why not use it. Law said we also have larger weighted vehicles that will travel that road. Councilmembers had discussion. Jon Shellhorn said the road is designed to be asphalted to comply with City Code. Law reminded Council earlier this year it was not advised to use chip and seal. It is harder to maintain due to the run-off, etc. After discussion Councilmember Cook moved, seconded by Councilmember Smith to approve the weather days, but table the road construction. Councilmember Town asked how much would chip and seal cost. Vohs would like more information. Shellhorn said he would lay out all the information for Council for a future meeting. Motion carried 5-0.

**WWTP Communication Tower and System:** Staff was directed in November last year to seek out a second opinion for the communications system utilizing a third tower to relay the communications system signal, which would meet zoning regulations on height of towers, without additional consideration by Council. Staff has worked with R.E. Pedrotti for this purpose since Nov. 9. After several delays, staff received a final report from that company on Feb. 11. That report stated low radio test numbers compared to the design provided by Micro-Comm, the company contracted for the WWTP project. Staff forwarded copies of the report to Micro-Comm and Lamp Rynearson for additional review and comment. The return comments from Micro-Comm included that study was not conducted with proper type of radio and that the results of the test should be considered inconclusive and not valid. Had Micro-Comm been coordinated with on the physical path study as requested, they could have advised on path study parameters.

In the interest of facilitating a resolution to the tower concern and to move ahead with a system that will undoubtedly serve the WWTP and north pump station, but also allow for a separate SCADA system that will incorporate all future lift station SCADA systems, Micro-Comm is proposing to, at no cost, change the contract to reflect design of a VHF radio model. That model would be Ethernet based, would be direct communication with the WWTP and north pump station, without involving the water distribution system communications, and would accommodate future additional sewer lift station SCADA.

Some aspect of this consideration should include the continued delays of this project and that the Kansas Department of Health and Environment has issued a requirement to provide monthly construction progress reports as a result of continued non-compliance with wastewater permit limits of the existing lagoon structures.

Bert Griggs with Micro-Comm is present to answer and discuss any questions. Councilmember Town voiced concern over the towers. Councilmember Cook said at the meeting in November we were told this was going to work. Griggs explained this will be no charge to change the contract to reflect design of a VHF radio mode. Councilmembers had discussion. Councilmember Town moved, seconded by Councilmember Harris and carried 5-0, to approve Micro-Comm to pursue a no-cost change order to establish a VHF radio model and system to complete the communications work for the wastewater treatment plant and north pump station project.

**Declaration of Financial Emergency:** The cold weather event recently has resulted in assumed financial burden against the City of Louisburg and natural gas customers therein. The current estimate for February expenses, including the weather event, is \$3.8 million with the potential for another \$10,000 in penalty fees through the gate contract with Panhandle Eastern Pipe Line Co. These prices reflect increased cost of natural gas supply beyond the contractual quantities purchased on behalf of the City by Kansas Municipal Gas Agency (KMGA). The contractual daily quantities through KMGA are 2,600 MMBtu, with any additional natural gas anticipated based on a day-ahead purchase through the daily index pricing. During the weather event the day-ahead index pricing is what increased significantly as all customers were seeking to meet increased needs to keep businesses and residences at a reasonable temperature to keep water pipes from bursting and to avoid other building or life safety concerns

There are efforts at the State and Federal level to investigate the reasons behind the severe price fluctuation leading up to, specifically during and even following the severe weather, but those efforts will take time. It is currently unknown if a Federal emergency will be declared to encompass Kansas, but a statewide emergency was issued as of Feb. 14, 2021.

Law presented a draft resolution declaring a financial emergency for the City of Louisburg. This resolution form was provided by the League of Kansas Municipalities as many cities within Kansas are experiencing some form of impact from this weather event. This is the same draft form utilized by Miami County in

issuing a similar declaration on February 24, 2021. While a local emergency declaration does not guarantee Federal assistance, if such is provided, it may help expedite the process to access those funds.

Staff is working on financial options depending upon the outcome of KMGAs review of pricing and ability or inability to carry any level of the natural gas pricing. If KMGAs is unable to accommodate, the options being reviewed are no fund warrants, temporary notes, revenue bonds, combination of natural gas reserves and previous options, borrowing reserves from other City utilities and combining with natural gas reserves and reimburse those over time. The option to utilize other utility funding may not be allowable without a charter ordinance; staff will investigate further. The reality of any of those options is increasing revenue to pay for debt or repay borrowing. That revenue is derived from natural gas utility rates.

Law said the Resolution would have the change whereas, the cost to purchase natural gas exceeded 2 – 88 times the normal prices and is currently estimated to include a single month total of \$3,800,000. Councilmember Harris moved, seconded by Councilmember Town to accept Resolution 03-01-2021 with the amendment. Councilmembers had discussion. Motion carried 5-0. Councilmember Harris asked if Osawatomie and Paola also doing this. Law said he is not sure on Osawatomie gas, but Paola does not oversee gas and electric.

**Excise Tax Consideration:** Discussed briefly at the initial housing incentives workshop was the current excise tax issued upon the final platting of property in Louisburg. This tax was incorporated by Charter Ordinance No. 13 in 2003, exempting the City at that time from K.S.A. 12-194, a prohibition of collecting certain excise taxes, and providing a substitute and additional provision allowing the City thereafter to levy an excise tax on the platting of real property for contributions previously made for certain street improvements, to grant exemptions, and to pledge the revenues therefrom for street improvements in the City.

City of Louisburg currently assesses an excise tax of \$0.12 per square foot of real property during the final plat process. In reviewing other area cities, excise taxes per square foot are

- Osawatomie does not have one but plans to add one in the near future
- Paola does not have one
- Spring Hill \$0.158

- Olathe \$0.215
- Overland Park \$0.215
- Lenexa \$0.215
- Shawnee \$0.215

Eliminating the excise tax altogether may require passage of a charter ordinance and two consecutive publications. Reducing the excise tax is possible by regular ordinance. There are exclusions from the excise tax formula allowed for in Ordinance No. 871, the ordinance setting the current excise tax rate. In reviewing the exemptions compared to the reasoning behind the existence of the excise tax, staff believes the intent of the tax to account for the burden carried by the City and taxpayers over time to accommodate street infrastructure, because undeveloped property taxes were likely paid at a significantly lower rate for vacant, farm or otherwise underutilized property. That same reasoning allows for the exemption of Homeowner's Association owned and maintained property, to serve as a neighborhood accessible park or other shared green space, or for the installation of streets to the design requirements of the City of Louisburg. Those exemptions allow for the public use portions to be excluded from calculation, as well as a formula for considering street costs toward payment of the excise tax.

Councilmember Smith asked if this is for a development or if anyone that buys a lot will they pay the excise tax. Law said it is paid before the final plat is filed. Smith and Cook want to do away with the excise tax. Councilmembers had discussion. Councilmember Smith moved, seconded by Councilmember Cook to eliminate the excise tax. Councilmember Town asked if we eliminated the tax and improvements would the City be liable. We still have 1,100 acres that could be development inside the City Limits. Councilmembers had discussion. Mayor Southard said maybe we should drop it to a penny. Councilmembers Smith and Cook agreed yes to drop to a penny. Councilmembers Harris, Town, and Vohs all said no. Councilmembers had discussion. Councilmember Town moved, seconded by Councilmember Harris to direct staff to bring back an ordinance with a reduced rate to the next meeting. Motion carried 5-0.

**The Porch Community Church Special Event Application:** The Porch Church has submitted a special event application for Easter Sunday. A helicopter would be rented that would drop plastic eggs filled with candy/toys at Wildcat Stadium. Pastor Curtis Riley would be happy to answer any questions. Councilmembers had discussion on the mask mandate. Town said how can you have this many people when at a football game you only get 4 tickets. Councilmember Cook said she is not in favor. Councilmember Vohs said there is



not a Covid plan in place. It sounds more like a free for all. There are a lot of things to consider with Covid. Councilmember Harris thinks it is high risk. Councilmember Town asked about the helicopter and weather conditions. Vohs asked how many people were expected. Pastor Riley said anywhere from 250-300. Vohs asked what the Health Department said about this event. Riley said there are no guidelines. Chief Bauer and Chief Rittinghouse both had concern with safety, escape routes and any damages. Councilmembers had discussion. Councilmember Town moved, seconded by Councilmember Cook and carried 4-1, to deny the application (Smith voted no). City Administrator Nathan Law said he would call Pastor Riley and try to help find another location.

**Street Survey:** After discussion at previous Council meetings, Staff has reached out to several firms to conduct a survey of the approximate 30 miles of city streets. This evaluation will help rate and prioritize future street improvements. Most of the roadways consist of Asphaltic Concrete while a few consist of Portland Cement Concrete. Staff contacted five firms for cost estimates and only three firms responded.

Description: This pavement condition survey, in association with acceptable pavement criteria, will provide recommendations for the existing pavements. The chosen firm would also provide a list from worst to best streets and help prepare an appropriate RPF for the work, which would be updated annually based on city budget. These companies offer different ways to evaluate the streets and consist of visual pavement evaluations, digital scanning of the streets if possible, including typical pavement distress methods and locations, and general pavement conditions. Recommendations will be given for repair of the roadways. If mill and overlay, full-depth repair or any alternative repair methods are recommended, further testing, including conducting pavement cores, may be required.

BIDS: Olsson Engineering - \$15,000 this includes visual inspection and possibly some coring.

Phelps Engineering - \$100,000 this includes visual inspection and road scanning.

Pars Engineering - \$100,000 this includes visual inspection and road scanning.

Councilmember Cook asked if we have used Olsson on other projects. Law said yes they have done several projects here. Cook asked Hufferd what he would like to see. He thinks it would be beneficial to have an engineer review. Councilmembers had discussion. Councilmember Smith moved, seconded by

Councilmember Vohs and carried 5-0, to approve Olsson for the street repair survey for \$15,000.

**2021 Asphalt, Concrete Improvements and Crack Seal:** Administrator Law presented information regarding the 2021 street improvements. We will look at different options for these streets such as micro seal, 2" mill/overlay or even full depth repair.

1. N Rockville Rd (1870' x 34')
2. N 1st St E (1170' x 28')
3. N 3rd St E (710' x 28')
4. N 4 th St E (770' x 28')
5. Shoreline (1520' x 25')
6. S 16th St (400' x 28')
7. S 14th St (500' x 25')
8. Howard St (500' x 25')
9. Rogers Rd (1232' x 20')
10. S 1st St (825' x 19')
11. Harvest Rd (680' x 25')
12. S 16th Full Depth (300' x 28')
13. S 11th St Full Depth Patch ((20' x 18') x 6)
14. S Olive St Full Depth Patch ((20' x 18') x 6)

**2021 Concrete:**

1. 1401 N 4th St E (8' x 2') curb
2. 1105 N 4th St E (6' x 2') curb
3. 1212 N 1 st St E (10' x 2') curb
4. 115 Shoreline Dr (8' x 2') curb
5. 111 Shoreline Dr (12' x 2') curb
6. 20875 N Rockville Rd (6' x 2') curb
7. Harvest Dr (East of water tower) (192' x 5') sidewalk
8. 600 Broadmoor Cv (33' x 5') sidewalk

**2021 Crack Seal**

Whole town

Councilmembers discussed pairing the project back. Councilmember Cook said she would like to take all the concrete off. Councilmember Town moved, seconded by Councilmember Harris and carried 5-0, to put the improvements out to bid.

## COUNCIL REPORTS

**Councilmember Town:** None

**Councilmember Cook:** Councilmember Cook asked where the New Haven Event Center was located. It was told it was 247<sup>th</sup> and State Line. Cook had questions regarding City-owned property.

**Councilmember Smith:** None – Mayor Southard said this is Councilmember Smith’s last meeting as she has moved out of the ward and thanked her for serving on the Council.

**Councilmember Harris:** Councilmember Harris asked about the aerator system at the lake. Hufferd said that Rusty is working on it. He asked about the stripes on the bridge that are coming up. Hufferd said he would take a look at it. Harris wanted to thank Ms. Smith for serving on the Council.

**Councilmember Vohs:** Councilmember Vohs gave an update from the Rec Director since no LRC meeting has occurred since his assignment as liaison. The basketball tournaments are finishing up, soccer is starting up with numbers hitting an all-time high. Baseball and softball are starting as well. There will be an adult sip and paint, co-ed softball along with an acupuncture class with Dr. Dansel and a CBD Oil and products with Vohs Pharmacy. Councilmember Vohs also thanked Ms. Smith for her service to the City Council.

Councilmember Cook said she talked to former councilmember Thorvald McKiernan regarding the wayfinding signs and he will get with Mayor Southard.

## ADJOURNMENT

At 9:10 p.m. Councilmember Steve Town moved, seconded by Councilmember Kalee Smith and carried 5-0, to adjourn the meeting.

Approved:

Attest:

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Marty Southard, Mayor

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Traci Storey, City Clerk