

**CITY OF LOUISBURG, KANSAS  
MINUTES OF REGULAR MEETING  
APRIL 5, 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. Councilmember Kevin Vohs arrived at 7:03.

Council Members Steve Town, Donna Cook, Sandy Harris, Kevin Vohs, Scott Margrave

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 Sean Gordon (via zoom) Kiersten Allen, Keith Dennis, Fred Fendorf, Abrielle DeCavele

**PLEDGE OF ALLEGIANCE**

Councilmember Steve Town led the pledge of allegiance.

**APPROVAL OF CONSENT AGENDA**

Councilmember Sandy Harris asked a question regarding the bills list. Administrator Law explained. Councilmember Harris moved, seconded by Councilmember Town and carried 4-0, to approve the consent agenda to include adoption of the agenda and approval of the regular meeting minutes March 15, 2021 and the special meeting minutes of March 10 and March 12 and the bills list.

**VISITORS**

**Sean Gordon:** Annual Audit 2020: Sean Gordon with GordonCPA Auditing, Accounting and Consulting joined the meeting by phone conferencing. Gordon gave the Council a brief overview of the audit results. It is recommended that receipts be maintained for all credit card purchases and that no purchases include the payment of sales tax. Councilmember Donna Cook asked several questions pertaining to the

audit. Mr. Gordon and Administrator Law explained. Councilmember Town moved, seconded by Councilmember Cook and carried 4-0, to receive and accept the 2020 audit.

**Kiersten Allen:** Kiersten Allen Louisburg Library Director is asking the Council to consider three items.

1. **To designate 2 parking spots for Library patrons** – Councilmember Cook said she is not in favor of designated parking signs. Councilmember Harris asked how many cars have kids that cross the street. Allen said at least 80%. Harris would like staff to check into other businesses to see how they feel about designated spots. City Attorney advised against this since most businesses will also want designated spots.
2. **Poles for handicap parking** - Administrator Nathan Law said he will look into ADA signs and return to Council.
3. **Push snow to another area other than the last parking spot in front of the library** - Public Works Supervisor Craig Hufferd based on direction from council at a prior meeting, snow from the downtown area will be pushed to the Farmer's Market area.

**Keith Dennis:** Keith Dennis said he son Sean is building a house at S. Fourth and Howard. It is all electric with a heat pump. Dennis would like to install a 500-gallon propane tank for residential heat. City Ordinance only allows for a 20 gallon tank with larger tanks requiring Council approval. Councilmember Scott Margrave asked if there was anyone else with these kinds of tanks. Administrator Law said maybe 2-3 residents on the outskirts of town. After discussion Councilmember Cook moved, seconded by Councilmember Harris and carried 4-0, to approve the 500-gallon propane tank.

## **PUBLIC COMMENTS**

Fred Fendorf of 301 Shoreline Drive addressed the Council about the lake maintenance. He had sent emails to all Councilmembers regarding the conditions of the lake. The vegetation has now reached the top of the water and the west end is blocked with sticks and leaves. Administrator Law said the lake needs to be dredged, but that project was not pursued due to budget limitations. This is a large expense that will cost up to \$100,000, but there is a chance that another entity might be doing a similar project close by that could result in lower cost, Mr. Law said.

Councilmember Town asked if we have reached out to the K-State extension office. Administrator Law said no that he hasn't contacted K-State. Councilmember Cook asked if he could. Mayor Southard asked if we could also get bids for dredging. Law said he would get bids and bring back to Council.

**Abrielle DeCavele:** Abrielle DeCavele lives at 295<sup>th</sup> and Rogers Road. She is asking for an update on the burn site. Administrator Law said the burn site is still operational. We couldn't find an air burner that was previously discussed. Due to the location of the burn site in comparison to her home she has a constant smoke haze at her home. She stated that her children have asthma and can't even play outside. The dogs, cars and house get covered with ash. Administrator Law said the best alternative would be close the burn site. Councilmember Cook said maybe check with local tree services and see if interested in chipping once a week. Administrator Law will bring back to the Council.

## **DEPARTMENT REPORTS**

**Fire Department:** Fire Chief Gerald Rittinghouse said there has been 128 calls the first quarter. Councilmember Town asked if most were rural fires. Rittinghouse said the last two weeks had been.

**Public Works:** None

**Police Department:** None

## **CITY ATTORNEY'S REPORT**

City Attorney Jared Anderson said there has been no response with the subpoena case. At this point it may be resolved.

## **MAYOR'S REPORT**

Mayor Marty Southard said Dusti Travis has resigned from the Board of Zoning Appeals. Mayor Southard appoints Jason Burk to the appointment, which expires in 2022. Councilmember Harris moved, seconded by Councilmember Kevin Vohs and carried 5-0, to appoint Jason Burk to the Board of Zoning Appeals.

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

Enhance community identity and appearance:

1. Prepare a master gateway and wayfinding signage program
2. Conduct placemaking efforts in key locations

On the first item there has been recent local effort to work on wayfinding signage, with a final outcome still pending. Part of the upgrade to the monument sign along Amity was an intent to incorporate the stylized arch atop the “gateway” sign. Having a style guide for gateways would be beneficial for this purpose and could be worked into a future project on a wayfinding signage program. On the second item, there has been no significant advancement on this item to date. The notion of placemaking is an effort to create quality or creative places where people want to be, whether visiting, living, working, etc. This is a common topic when discussing comprehensive planning efforts or any time a space is being reinvented, like the City Hall block and the potential for a new pavilion. Staff includes these considerations as part of projects but has not sought to focus individually on placemaking as a standalone consideration.

Councilmember Sandy Harris said he would like to have the same style signage as the arch. Councilmembers agreed with Harris.

**Excise Tax Consideration – Continued:** Continued from the previous two meetings, staff has included a draft ordinance for Council review and discussion, along with additional information herein.

Based on the Staff report, Mr. Law said there is no recommendation to add definitions for single family residential because there could be unintended consequences with various sets of regulations if changed. He recommends lowering the excise tax if that is what Council desires. City Attorney Anderson said lowering the tax amount is a logical legal method. Councilmember Harris said he is in favor of lowering to 2 cents per square foot rather than 1 cent per square foot as discussed at the previous meeting. Councilmember Steve Town moved, seconded by Councilmember Cook and carried 5-0, to approve Ordinance 1146 as presented with the excise tax at 1 cent per square foot.

**2021 Asphalt Bids:** Staff received seven bids for the asphalt work, which were opened during a public bid opening March 26.

There was an error with the measurement on N 4th St East. It was listed at 777 ft and the measurement should have been 1,777 ft. Two companies caught the error, but the rest did not. Staff used the numbers provided with their bids to calculate the difference. The error was caught too late to send out an addendum. Corrected bids are marked with a \*.

Asphalt:

1. \*Kansas Asphalt  $\$213,380.49 + \$28,889.78 = \$242,270.27$
2. \*Advanced Asphalt  $\$203,830.13 + \$27,253.33 = \$231,083.46$
3. Bettis Asphalt  $\$381,818.37$
4. \*Metro Asphalt  $\$221,201.85 + 28,023.47 = \$249,225.32$
5. \*Little Joe's Asphalt  $\$235,201.07 + \$30,548 = \$265,749.07$
6. Superior Bowen Asphalt  $\$258,274.70$
7. \*Killough Construction  $\$345,069.80 + \$35,026.60 = \$380,096.40$

Staff recommends accepting the low bid of \$231,083.46 from Advanced Asphalt. This company has been awarded the contract the past two years and there have been no issues with the quality of work or the timely manner for completing street work. Staff will consult with the contractor to notify residents when work will commence on their street.

Councilmember Cook would like to see Kansas Asphalt get the job. This is a local company, she said. Councilmember Town said they are \$11,000 more than Advanced Asphalt. City Administrator Law said there is no local purchasing preference in our purchasing policy. Town asked if the \$11,000 could be used elsewhere. Law said only in the street fund. After discussion Councilmember Town moved, seconded by Councilmember Margrave, to approve the bid from Advanced Asphalt. Councilmember Vohs asked if Kansas Asphalt had done work for the City previously. Public Works Supervisor Craig Hufferd replied they have completed concrete work for the City. Motion carried 4-1 (Cook voting no) to approve Advanced Asphalt bid of \$231,083.46.

**2021 Crack Seal:** Staff received five bids for crack seal, which were opened during a public bid opening March 26.

Crack Seal:

1. Vance Brothers \$1.91 per lbs
2. Pavement Management \$2.00 per lbs
3. G-B Construction \$2.10 per lbs

- 4. Kansas Asphalt \$3.25 per lbs
- 5. Wolverine Sealcoating \$1.13 per lbs

Councilmember Cook asked if we had used Wolverine in the past. Mr. Law said no but references were checked and all gave favorable reports. Staff recommends accepting the low bid from Wolverine Sealcoating. The city will have a cap of \$75,000. Once 75% of cap is met, Staff will meet with the contractor to see if more work is needed. Councilmember Harris moved, seconded by Councilmember Vohs and carried 5-0, to accept Wolverine Sealcoating at \$1.13 per pound.

**Natural Gas Rate:** Mr. Law presented a Powerpoint presentation that gave an overview on rates, revenue and expenses providing historical context to the discussion. The presentation also provided a look at what the five-year average would be with the expected payment and how that affected future revenue and expense. Councilmember Vohs asked how a scenario is chosen without making everyone mad. Mr. Law said the advantage of this process is the base rate and variable rate can be reviewed each year to be sure enough money is being collected to make the payment. He said any new development would help as it could potentially increase the number of users to the system.

Mr. Law presented three funding scenarios with each scenario having an A and B option.

**Scenario 1A**

Base	\$21.96
Variable	\$0.938810
	\$0.898045
	\$0.857894

**Scenario 1B**

Base	\$26.69
Variable	\$0.859552
	\$0.826302
	\$0.793552

**Scenario 2A**

Base	\$21.04
Variable	\$0.895162
	\$0.856293
	\$0.818008

**Scenario 2B**

Base	\$24.49
Variable	\$0.835845
	\$0.802595
	\$0.769845

**Scenario 3A**

Base	\$20.29
Variable	\$0.863000
	\$0.825528
	\$0.788618

**Scenario 3B**

Base	\$22.87
Variable	\$0.818321
	\$0.785071
	\$0.785071

For comparison purposes, the current rates are:

Base	\$18.00
Variable	\$0.76575
	\$0.7325
	\$0.69975

Councilmember Kevin Vohs said with the school district and residential consumption what would be a good medium. Administrator Law said this is something that can be adjusted each year. Councilmember Harris said he thought 3B was most appealing to him since the base is in the middle and the variable is lower. Councilmember Harris moved, seconded by Councilmember Town to approve Ordinance 1147 using Scenario 3B with the base being \$22.87 with 3 variable rates based on usage. Law said he would fill in the dates and change the rates per term on the final ordinance. Motion carried 5-0.

### **EXECUTIVE SESSION**

Councilmembers went into executive session for 30 minutes, to discuss an individual employee's performance pursuant to the non-elected personnel matter exemption, KSA 75-4319(b)(1) at 8:01 p.m.

### **REGULAR SESSION**

Council resumed in Regular Session at 8:31 p.m. No action was taken from the executive session.

### **COUNCIL REPORTS**

**Councilmember Vohs:** Councilmember Vohs said he attended the LRC meeting. Amy Buffington has resigned effective in May. They are looking for a replacement. Soccer is at an all-time high on registrations. Vohs said they are doing great things and really growing the program.

**Councilmember Harris:** Councilmember Harris said for the excise tax ordinance he wanted to change his vote to no. The Ordinance earlier had passed 5-0. It is noted that Harris is not in favor.

Harris thanked Administrator Law and all the Staff that has worked on the gas pricing. He knows it was a lot of work and he appreciates all the time everyone put in.

**Councilmember Cook:** Councilmember Cook said she received a call that the minutes have not been online. Law said they are after they have been approved at the next regular meeting. Jean Carder showed Cook where they are located online.

Cook said part of the light in the Louisburg Arch was out. Staff is working on getting it fixed.

**Councilmember Margrave:** Councilmember Margrave said he received an email asking if the City could videotape the meetings. Margrave said he thinks it is a great idea to show transparency, and to allow folks that are shut in or can't make meetings to see what is going on. General consensus was it was a great idea. Administrator Law will bring back more information on pricing.

**Councilmember Town:** Councilmember Town asked about the stormwater runoff in the culverts. Administrator Law said homeowners can call City Hall and staff will clean them out. There seems to also be a lot of trash on Metcalf.

Councilmember Harris asked if Craig could look at his yard after the next rain.

Mayor Southard reminded everyone of the workshop at 6:00 p.m. on Thursday.

**ADJOURNMENT**

At 8:45 p.m. Councilmember Town moved, seconded by Councilmember Vohs and carried 5-0, to adjourn the meeting.

Approved:

\_\_\_\_\_  
Marty Southard, Mayor

Attest:

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Traci Storey, City Clerk