

**CITY OF LOUISBURG, KANSAS  
MINUTES OF REGULAR MEETING  
MAY 6, 2019**

The Council of the City of Louisburg, Kansas met at 6:30 p.m. in regular session in the City Hall Council Chambers. Councilmember Kalee Smith arrived at 6:32p.m. Mayor Marty Southard presiding. City Attorney Kelly Stohs was absent.

Council Members Lee Baer, Steve Town, Sandy Harris, Thorvald McKiernan, Kalee Smith  
City Administrator Nathan Law  
City Clerk Traci Storey  
City Attorney  
Police Chief Tim Bauer  
Fire Chief Gerald Rittinghouse  
Communications Coordinator Jean Carder  
Public Works Supervisor Craig Hufferd  
Press Doug Carder  
Visitors John Ciseti, David Buffington

**PLEDGE OF ALLEGIANCE**

Councilmember Thorvald McKiernan 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 April 15, 2019, minutes and bills list.

**VISITORS**

LHS Band Director John Ciseti said after 40 years of teaching in the Louisburg District he will be retiring in May. Louisburg has been a great community and I will always be grateful for the opportunity to teach the children the gift of music.

Mayor Marty Southard presented John Ciseti with a Proclamation that proclaims May 17, 2019 as John Ciseti Day. Mayor Southard urges all citizens of

the City of Louisburg to offer John Cisetti their most sincere gratitude for his service and best wishes on his retirement. Councilmember Steve Town moved, seconded by Councilmember Sandy Harris and carried 5-0, to authorize Mayor Southard sign the Proclamation declaring May 17, 2019 as John Cisetti Day in Louisburg.

## **PUBLIC COMMENTS**

David Buffington of 600 Broadmoor Cove presented information that shows the water runoff from the Rand property north of the Lake Subdivision to the southeast corner of their property and runs through his yard. When heavy rains hit his yard gets flooded on the back/east portion. The school property used to flood the back of his property, but the school district made some changes that fixed the concern. Buffington is asking Councilmembers when Stormwater Projects are getting fixed can they please fix this problem as well.

## **DEPARTMENT REPORTS**

**Public Works Department:** Public Works Supervisor Craig Hufferd said the no parking signs for Summerfield are being installed this week.

**Fire Department:** Fire Chief Gerald Rittinghouse gave an update from the Fire Department. Rittinghouse also thanked the City for allowing four members of the Fire Department to attend training in Coffeyville, Kansas.

## **CITY ATTORNEY'S REPORT**

## **COUNCIL REPORTS**

**Councilmember McKiernan:** Councilmember Thorvald McKiernan asked if the new owners at Harvest Glen and Summerfield are mowing the grass along the waterway that runs between the two properties. City Administrator Nathan Law said city staff had contacted the owner and they have taken care of it.

Councilmember McKiernan said while driving on Danford he could not see the sidewalks due to the dirt. McKiernan said hydro seeding and a silt fence should have been put down in those areas. He would like to see erosion control standards added to our permits requirements. From the audience Bob Bazin said his firm reseeded that area on Danford last Friday after the area was disturbed when streetlights were installed. With all the rain, it is hard to keep the seed in

place. McKiernan would like to see fencing and hydro seeding added to projects. Administrator Law said he can draft up information and take it to the Planning Commission for review.

**Councilmember Harris:** Councilmember Harris said the hydro seed does not seem to work, and those project areas drain into the lake and cause silting problems.

Councilmember Harris thanked the Louisburg Recreation Commission on the Health Fair they had Saturday. It was very popular with all ages.

### **MAYOR'S REPORT**

None

### **ADMINISTRATOR'S REPORT**

**Stormwater Priority Projects 1 & 2:** City Administrator Nathan Law said earlier this year Olsson presented the Louisburg Stormwater Master Plan document to Council. Following Council's acceptance of that report, staff sought to obtain construction documents through Olsson and an engineer's estimate of construction costs for the first two projects. The scope of each project changed slightly from the previous iteration to show a change from rip-rap storm ditch on N. 3<sup>rd</sup> and N. Broadway project to grass, and elimination of the inlet and pipe combination for the Shoreline & Broadmoor project. The cost estimates for these projects included in the master plan document included the cost of engineering, which the City has paid for producing this estimate and the construction costs for these two projects. As shown in the estimate, the combined costs for the first two projects is \$277,140. The cost of engineering and producing construction documents was \$52,000.

In previous discussion staff has included consideration for a split of construction cost between City and area properties by way of a benefit district. Attached with this memorandum are estimates of cost for two projects that show a percentage split between the City and benefiting properties. Council has authority to set the benefit district percentage, but the area should include those properties both contributing and benefiting from the construction and costs thereof. The areas for each property are shown in attached maps, but are not finalized for the purpose of assessing costs of any future benefit district.

In review of the cost share documents, staff has shown revenue and expenditure as mentioned at a recent budget workshop. In that discussion, staff presented a proposal for use of infrastructure improvement sales tax revenue over the next 10 years for stormwater infrastructure enhancements. The priority projects listed in the stormwater master plan document qualify for such use, and the projections reflect potential inclusion of all priority projects and identified priority maintenance needs in one debt issuance, as long as a sufficient reimbursement to the City for project costs is used. In those cost projections, the example of a 75% cost share by benefit district (25% paid by the City) would allow for the city to cash fund the priority maintenance work identified by the master plan document, lessen reliance on infrastructure sales tax and shift use of those funds to streets/sidewalks, and see two- to three-times the annual maintenance as the next financial model. At a 50% cost share by benefit district, staff shows the need to rely more heavily on infrastructure sales tax, include priority maintenance work in a future debt issuance, and see less than annual stormwater fee revenue worth of regular maintenance.

In both financial projections however, staff has identified the ability to debt fund and pay for the majority of priority projects identified by the stormwater master plan with the anticipation of the infrastructure improvement sales tax sunseting and not being renewed.

In addition to costs of construction, there should be some consideration of the legal process to obtain easements for both construction and long-term maintenance or repair of stormwater infrastructure.

For the discussion of a benefit district, statute allows for standard calculations as follows:

*“The cost may be assessed equally per front foot or per square foot against all lots and pieces of land within such improvement district or assessed against such property according to the value of the lots and pieces of land therein as determined by the governing body of the city with or without regard to the buildings and improvements thereon or as set forth in the petition requesting such improvement or the cost may be determined and fixed on the basis of any other reasonable assessment plan which will result in imposing substantially equal burdens or shares of the cost upon property within the improvement district similarly benefited.”*

No public hearing process is required by statute in regard to stormwater. However, it may be advisable to allow for some input from properties intending to be included in a benefit district, Administrator Law said.

Recommendation: Discuss priority projects and financial models presented and direct staff accordingly.

Councilmember Sandy Harris said he would like to see property owners attend a public forum. Harris asked Administrator Law if he would be able to explain to property owners how a benefit district is defined. Law said all the Councilmembers should also be available to help discuss since establishing the benefit district will ultimately be their decision.

Councilmember McKiearnan stated why is this a city problem and not the homeowners' responsibility. The problem on North 3<sup>rd</sup> by Southtrails should be paid out of their homeowners association funds.

City Administrator Law said the stormwater fund is for improving stormwater in the City. We maintain existing stormwater systems and proceed with improvements as determined by the council.

Councilmember Baer asked about the growth of Southtrails. Should the owners of the property be responsible until the area is full to capacity.

Councilmember Harris would like to see an event where an engineer is available with a Public Hearing.

Councilmember McKiearnan thinks a benefit district is the best direction, and that the homeowners pay most of overall project costs.

Councilmembers came to a consensus to have Administrator Law move forward with securing the easements.

**Rural Housing Incentive District Process and Requests:** City Administrator Law presented information and a resolution initiating the process toward creation and authorization of development districts for use of the Rural Housing Incentive District process. Staff recommends adoption of the attached resolution initiating the process toward creation and authorization of development districts for use of the Rural Housing Incentive District process. Councilmember Steve Town moved, seconded by Councilmember Sandy Harris. Councilmember

Thorvald McKiernan asked if we can pull the Summerfield Village from the resolution. City Administrator Law does not recommend that. Councilmember Harris asked what are the incentives for this. Councilmembers had discussion. Motion passed with a 4-1 (McKiernan voting no) to authorize Mayor Southard sign Resolution 5-6-2019.

**Wastewater Treatment Plant Final Loan Agreement:** City Administrator Nathan Law said staff has received the final loan agreement form from the Kansas Department of Health and Environment. The terms remain the same as previously reported to Council. This is a 20-year loan, with a gross loan rate of 2.33%, and totaling of \$12,608,000. However the actual loan to the City is \$8,329,069 after a reduction of \$4,278,931 by way of principal loan forgiveness.

The projected annualized payments and operating costs are currently estimated to be accommodated by the existing utility rate structure. For this reason, the City should avoid a scheduled rate increase next year as called for by the rate calendar created by project engineers.

Recommendation: Approve the attached ordinance finalizing the agreement for low interest loan through the Kansas Department of Health and Environment and direct Mayor Southard to sign all necessary documentation. Councilmember Thorvald McKiernan moved, seconded by Councilmember Kalee Smith and carried 5-0, to authorize Mayor Southard sign Ordinance 1106 as presented.

**Executive Session:** Councilmember Steve Town moved, seconded by Councilmember Thorvald McKiernan to recess into executive session to discuss non-elected personnel for 10-minutes. Motion carried 5-0.

### **EXECUTIVE SESSION**

Councilmembers recessed into executive session at 7:33 p.m. and reconvened in regular session at 7:43 p.m.

### **REGULAR SESSION**

No action was taken as a result of the executive session.

**ADJOURNMENT**

At 744 p.m. Councilmember Thorvald McKiernan moved, seconded by Councilmember Kalee Smith to adjourn the meeting. Motion carried 5-0.

Approved:

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Marty Southard, Mayor

Attest:

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Traci Storey, City Clerk