

**CITY OF LOUISBURG, KANSAS
MINUTES OF REGULAR MEETING
MAY 17, 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 7:07 p.m.

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

City Administrator Nathan Law

City Clerk

City Attorney Jared Anderson

Police Chief Tim Bauer

Fire Chief Gerald Rittinghouse

Communications Coordinator Jean Carder

Public Works Supervisor Craig Hufferd

Visitors Andy Nowachek, Jessi Faircloth, Brock Elliott, Abrielle & Eric DeCavele and Karen Costa.

PLEDGE OF ALLEGIANCE

Councilmember Sandy Harris led the pledge of allegiance.

APPROVAL OF CONSENT AGENDA

Councilmember Steve Town, and seconded by Councilmember Harris, to approve the consent agenda and carried 4-0, to approve the consent agenda.

SCHEDULED VISITORS

Farmers Market: Andy Nowachek and Jessi Faircloth updated the Council on the upcoming farmers market season. Mr. Nowachek told the Council this will be the 19th year for the market and the organizers have added “original” to the market name: The “Original” Louisburg Farmer’s Market. Mr. Nowachek said, while there remains a committee for the market, he is turning many of his duties over to Ms. Faircloth, who has been handling the group’s social media that past few years. The market will open a couple weeks early, June 5, and run through Sept. 18. The market focuses on homegrown items and just a minimum number of crafters are included. He said the market gets lots of positive comments on its

friendliness. He requested one power outlet and one porta-john. Staff said those are provided each year.

Elliott Insurance Group: Brock Elliott, representing Elliott Insurance Group, presented the Council with a dividend check from the City's participation in the Kansas Municipal Utilities Safety Group Dividend Plan. This year's check was \$20,619.13.

Burn Site: Abrielle & Eric DeCavele and Karen Costa, homeowners who live near the City's burn site on S. Rogers Road, asked for solutions to the burn pile. Mayor Southard said this item will be discussed later in the meeting as an agenda item.

Public Comments:

None

Department Reports:

Public Works: Craig Hufferd said staff began filling the pool last week and will start adding chemicals later this week and will be ready for opening weekend.

Police: Chief Bauer reported that Officer Robert Myers will be retiring later this month and the department plans to have a reception for him next month. He will start the hiring process.

Fire: Chief Rittinghouse said firefighters had a busy weekend doing extrication training. He thanked Cutshaw Tow & Garage for donating vehicles to be used. He also thanked USD 416 who brought two buses so firefighters could learn more about the safety measures on buses and how evacuation measures occur on buses.

City Attorney:

No report

Mayor's Report: Mayor Southard said he received several communications from people thanking the Council for opening the pool and loosening the restrictions.

Administrator's Report:

Master Planning Review, Continued: Mr. Law continued this review with council noting that some items from the Bright Future comprehensive plan overlap with the recently reviewed Strategic Plan. Councilmember Cook asked about item

#4, sidewalk capital improvement program in the Traditional Neighborhood and if this is the old part of town. Mr. Law said yes and that this particular item targets new sidewalks along S. Third, Fifth and Ninth streets. He also said the improvements completed on Broadway could be continued south to those streets.

Incentives Discussion – Wea Creek Apartments: Mr. Law said he provided a great deal of information in the agenda packet but in summary the request is to waive half of the original fees for the 36-unit apartment complex, but Council could also include the community building, along with a 10-year tax abatement. He said there are options for the abatement. In preliminary discussion with a bond counsel, IRBs might be the best approach. Councilmember Cook asked for an explanation of how the IRBs would work. She said she thought there had to be income to use an IRB. Mr. Law said the rents would serve as the revenue. She asked if a public hearing would be required. Mr. Law said that would depend on the method used for a tax abatement.

Mayor Southard said the council needs to decide tonight if the council wants to move forward. Councilmember Town said he thinks we should move forward to provide housing to seniors and keep families in town instead of them moving out to care for older parents who can't find a place to live in town. Councilmember Cook asked if the abatement had to be for a 10-year period. Mr. Law said the developer had asked for 10 years and noted the state allows for 15 years. Councilmember Harris said he thought 7 years was the length discussed previously. Mr. Law said if the council wants a timeframe other than 10 years Council would need to provide that direction. David Sandir, one of the developers, said 10 years is the time needed to assist in paying the up-front costs. He said the goal is to make the apartments as affordable as possible for renters. Councilmember Town, and Councilmember Scott Margrave moved, to have Staff move forward on researching the incentives and to retain a bond counsel. Councilmember Cook confirmed the bond counsel would determine the financing for the City's interest and also asked if this commits the City to the project. She asked about the difference between IRB and RHID. Mr. Law said under a RHID tax money is collected and redistributed. He said if the developer would go bankrupt, the project would still be backed by a financial institution and this would protect the City's interests. Motion carried 4-0.

Burn site: Mr. Law provided many of the solutions that were discussed by Council last year and reviewed those options. Mr. Law said when the trash contract

was up for renewal city-wide residential yard waste pick-up was discussed but additional crews would have been required to accommodate for that and the cost would adjust accordingly. The trash contract will be up for renewal next year and at that time Council could decide to add city-wide residential yard waste for all residences, if desired, he said.

Councilmember Town asked what would happen in the event of a major storm that would result in a large amount of debris. Mr. Law said the City would probably contract with someone to pick up and dispose of any brush in that event.

Councilmember Cook asked if it were possible to install a large fan like what is used on golf courses. Mr. Law said he and Chief Rittinghouse had discussed that and they could try it. The fire department has a fan that might be large enough to use. Mayor Southard asked Chief Rittinghouse what the fire department's reaction would be if the dump site were closed. The chief said more complaint calls will come in as more people inside the city limits are likely to burn. He said all burn sites might be shut down by state or federal regulators in the near future due to air quality issues. He said if the Council wanted to install a fan at the site that an employee would be required to sit at the site to monitor it while it was active.

Mayor Southard asked the Council if it was time to close the site. He said this is the only cure for the problem. Council needs to have that discussion.

Councilmember Margrave asked if the site is closed would burning still be allowed inside the city limits. An audience member asked about mulching or composting and providing that back to residents. Mayor Southard said that had been discussed in the past, but the City doesn't own equipment to do that. Mr. Law said that is correct the City would need to purchase equipment and gain the necessary state permits. Councilmember Vohs said the site could continue to accept leaves as that seems to be working. He said he isn't sure what other communities do.

Councilmember Cook said all cities are different. She asked County Commissioner Phil Dixon, who was in the audience, what the County does. He said the County does not have a location for collecting or burning brush/leaves. Councilmember Harris asked if the site could be left as it currently is. Mr. Law said that is an option, to do nothing. Mayor Southard said that does not solve the current problem and just kicks the can down the road. Councilmember Cook asked if Lewis-Young Park is an option to relocate the site. Mr. Law said it is an option but there is no equipment at that location to manage a brush pile. He said the equipment is currently housed at the public works location south of town and next to the burn site. He said while the site doesn't have a dedicated employee continually at the

site there are generally public works employees in and out of the public works building that keep an eye on the site.

Councilmember Harris asked the homeowners if they knew there was a burn site located there when they purchased their properties. Ms. Costa, who lives directly east of the public works building, said she was unaware of the burn site and also was not aware of the nearby Panhandle Eastern operation. The DeCaveles said the burn pile was much smaller when they purchased their home southeast of the burn site. Councilmember Vohs asked if it were possible to gate the facility and only have it open at certain times. Councilmember Cook would like to gate it and only have it open a few days a week. Mr. Hufferd said the burn dates established a few years ago were Mondays, Tuesdays and Wednesdays. He said if the facility is gated then brush might get dumped on the road. Mr. Law said the Council could set a timeframe in which notice is posted of no commercial dumping and if that doesn't alleviate the amount of brush then the Council could take the next step to further restrict the burn pile while maintaining the leaf drop-off. He said the focus could move to enforcement and any fines associated with that.

Councilmember Vohs made a motion, seconded by Councilmember Margrave, to ban commercial dumping and focus on enforcement. Councilmember Harris asked if that includes companies who are cutting trees for city residents. Mr. Harris was told yes it would include those contractors. Mr. Law said Staff could research the guidelines on air quality and work that into a timetable to close the site. Councilmember Harris asked if local tree trimmers could be notified. Motion carried 5-0.

Special Use Permit – 104 W. Amity: Mr. Law said the Planning Commission had discussed this item at the last meeting and was forwarding this item to the Council with recommendation to approve. Councilmember Cook asked about item 9, residential dwelling. Mr. Law said that was standard language for this type of SUP and was included in the stipulations. Councilmember Harris asked if the developer had consulted with KDOT about adding an entry/exit and he shared the number of egress points along Amity. Mr. Law said the developer would have to get approval from KDOT to add any additional entry/exit points to the property. Mr. Harris said he doesn't think another entrance should be allowed on Amity and is afraid that KDOT might approve such an entrance because this is new business. Councilmember Cook moved, seconded by Councilmember Town,

to approve Ordinance 1148, a SUP for property at 104 W. Amity. Motion carried 4-1 (Harris).

Special Use Permit – 110 W. Amity: Mr. Law told the Council that Mr. Harris' comments about egress to Amity would be pertinent to this item rather than the previous item discussed. The developer is only asking for permission to potentially complete this project. If the project proceeds, a site plan would need to be reviewed and approved by the Planning Commission. Councilmember Cook verified with Mr. Law the Planning Commission would review any plans for the location. Mr. Law said yes. Councilmember Town moved, seconded by Councilmember Vohs, to approve Ordinance 1149 for property at 110 W. Amity. Motion carried 4-1 (Harris).

Swings at Lewis-Young Park: Mr. Law explained the recent playground equipment training review conducted by the Park & Tree Board and noted the swing at Lewis-Young Park had failed just days prior to the review. Staff presented bids for a replacement swing to the Park & Tree Board at its last meeting and they recommended purchase of a swing from AB Creative at a low bid price of \$5,200 that includes two regular swings and two specialty swings, the Konnection swing, a parent/tot swing, and the Freedom swing, an inclusive swing. Mr. Law mentioned that replacing the specialty swings with regular swings would save about \$2,000. Councilmember Cook asked if there is room in the budget for this purchase. Mr. Law said this is a maintenance issue and there is room in the budget for these types of expenditures. Councilmember Town asked if these swings would only be placed at LYP. Mr. Law said yes as this is replacing a failed swing set. If the swings prove popular, they could be added to other parks in the future. Bob Bazin, chairman of the Park and Tree Board was in the audience, told the Council the review of the play equipment showed they are generally in good shape considering the age of some of the equipment. He said the specialty swings have been requested as desired amenities by residents. Councilmember Cook again asked if there is money in the budget for this purchase. Mr. Law said yes. Councilmember Town moved, Councilmember Harris seconded and motion carried 5-0, to replace the swings as presented.

Lot split for property at the northwest corner of Rockville Road and W. 271st: Mr. Law presented this recommendation from the Planning Commission. Councilmember Harris moved, and Councilmember Margrave seconded and carried 5-0, to approve the lot split.

Dog park grant: Mr. Law outlined the dog park grant opportunity including some of the main requirements. Councilmembers Cook and Vohs said they think a dog park is a good idea. Councilmember Margrave asked about the size of the park and in particular the 7 acres referenced in the staff report. Discussion occurred. Councilmember Town asked Drew Siebert, who was in the audience and spoke at the last Park Board meeting about the need of a dog park, if the Paola dog park is chain link fencing and how tall it is. Mr. Siebert said it is and it is 4 ft. Councilmember Vohs moved, and Councilmember Town seconded and motion carried 5-0, to pursue the dog park grant.

Paperless packet consideration: Mr. Law said this item is a revisit of a previous council item from January 2020. Councilmembers Town and Cook said they prefer paper packets. Councilmember Margraves said councilmembers could pick and choose if they wanted the technology to move to paperless. He said he would like to eliminate paper entirely. Councilmember Harris said he would like to pursue technology to move paperless. Councilmember Town said he would use a device and just print those items he would like to review on paper. Councilmember Vohs said he is in favor of devices. Councilmember Harris would like to pursue tablets. Councilmember Vohs moved and seconded by Councilmember Margrave to pursue moving to paperless meetings. Motion passed 4-1 (Cook).

Council projects: Mr. Law asked Council to provide him with a list of potential projects for budget planning. The staff report provided items from Mayor Southard. Councilmember Town would like to pursue adding a traffic light at Sutherland Dr. and Amity. Mr. Law said in a preview to the upcoming budget workshop that KDOT has approved a traffic light at the east on/off ramp at Amity/69 Hwy and it is on the project list. Councilmember Harris would like to consider modifying plans for Farmer's Market at the group's current location, consideration to force the use of the shopping center at Harvest Dr. & Amity, label trees around City Lake, noting some trees are still labeled but some labels have been lost, create a skate park near the aquatic center, and design signage for the faith communities to be put near the welcome sign on the west edge of town.

Executive session: Mr. Law asked for a 15-minute executive session to discuss potential purchase of a property, pursuant to the discussion prior to acquisition of real estate exception, K.S.A. 75-4319(b)(5). Mayor Southard asked for a 5-minute break before the executive session. Councilmember Town moved to go into executive session as recommended at 8:35 p.m. and to return to the open

meeting in Council Chamber at 8:50 p.m. Councilmember Cook seconded and motion passed 5-0.

Mayor Southard noted the meeting resumed at 8:50 p.m.

Council reports:

Councilmember Town: He asked for an update on Metcalf 2.0. Mr. Law said it is still in the design phase. The plan is to bid out end of year and have construction in spring/summer of next year so as to not disrupt two school years. Mr. Town asked if the homeowner on S. Third St. that has the damaged porch has contacted the City. Mr. Law said no and did not expect them to from the conversation at the previous meeting.

Councilmember Margrave: no report

Councilmember Cook: no report

Councilmember Harris: no report

Councilmember Vohs: He reported the Louisburg Recreation Commission will have its monthly meeting the following evening. He was approached today by a volunteer firefighter to inquire about getting a free pool pass. Mr. Vohs would like to discuss that at the next meeting.

ADJOURNMENT:

At 8:55 p.m., Councilmember Vohs moved, seconded by Councilmember Harris and passed 5-0, to adjourn the meeting.

Approved:

Marty Southard, Mayor

Attest:

Jean Carder, recording secretary