

**CITY OF LOUISBURG, KANSAS
MINUTES OF REGULAR MEETING
JUNE 15, 2020**

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.

Council Members Steve Town, Kalee Smith, Sandy Harris, Donna Cook,
Thorvald McKiernan
City Administrator Nathan Law
City Clerk Traci Storey
City Attorney Kelly Stohs
Police Chief Tim Bauer
Fire Chief Gerald Rittinghouse
Communications Coordinator Jean Carder
Public Works Supervisor Craig Hufferd
Press
Visitors Renee Deerin, Jon Shellhorn, Mark Manville

PLEDGE OF ALLEGIANCE

Councilmember Sandy Harris led the pledge of allegiance.

APPROVAL OF CONSENT AGENDA

Councilmember Donna Cook asked about why Evergy wasn't on the bills list. City Administrator Nathan Law said it was on the first of the month bills list. Councilmember Kalee Smith moved, seconded by Councilmember Sandy Harris and carried 5-0, to approve the consent agenda to include adoption of the agenda, approval of the regular meeting June 1, 2020 minutes.

VISITORS

Renee Deering of 112 S. 16th Terr., said the majority of residents at Prairie Crossings are not in favor of a gate on S. 16th Terr. Earlier this year a resident approached the Council asking for a solution to the muddy former construction access off S. 16th used by residents and service vehicles. This resident did not represent all the homeowners as she had stated. Nineteen out of twenty residents are against the gate. They are willing to pay and maintain a gravel drive at that entrance. The money for the gate could probably be used for something more

useful Deering said. Councilmember McKiernan said due to the Planning regulations you can't have gravel, it would have to be paved. Deering said it has been graveled for 8 years. She provided pictures for the Council so they could see the gravel. Councilmembers had discussion. City Attorney Stohs said the Council would have to address the gate decision made at a previous meeting if they don't want to put the gate up. Councilmember Kalee Smith moved, seconded by Councilmember Donna Cook to rescind the previous decision to install a gate at the old construction entrance. Councilmembers had discussion. Motion carried 5-0. City Administrator Nathan Law said if the access was graveled, before the City would allow it to be maintained, as has previously been allowed for other private drives.

PUBLIC COMMENTS

None

DEPARTMENT REPORTS

Fire Department: Fire Chief Gerald Rittinghouse said the fire truck maintenance is 95% complete. Fire calls are going up with the dry conditions. Councilmember McKiernan apologized to Chief Rittinghouse for not giving the recognition the department deserved for reaching the ISO Rating from a four to a three at the previous meeting. He wanted to thank Chief and everyone involved for such a great job and all the hard work they put into it.

Police Department: Police Chief Tim Bauer said in July 2005 the City Council established fees for police services related to fingerprinting. Since 2005 the demand for these services has increased substantially and the cost associated with providing these services has increased as well. Staff reviewed fingerprinting service fees charged by Miami County law enforcement agencies and felt it appropriate to bring the matter to the Louisburg Governing Body for consideration of adjusting Louisburg's fingerprinting service fees.

Proposed Fees: Fingerprinting

\$30.00 for Non-resident

\$20.00 for Local Residents/Businesses

No Charge for USD 416 Educators

Non-Resident/Local Fee for Non-USD 416 Educators

Councilmembers had discussion. Councilmember Thorvald McKiearnan moved, seconded by Councilmember Steve Town and carried 5-0, to raise the fees as listed.

Chief Bauer told the Council that Officer Lamb will be able to attend the Police Academy starting July 6th, 2020.

Summer Bash: City Administrator Nathan Law presented information from the Library regarding their End of Summer Bash. The event will take place Saturday, August 1, 2020 from 6-9:30 p.m. The Library is asking to close 2 blocks on Broadway for the event. Law said they have filled out the Special Event Application. Councilmember Kalee Smith moved, seconded by Councilmember Sandy Harris. Councilmembers had discussion. Motion carried 5-0, to close 2 blocks on Broadway for the Summer Bash on August 1, 2020.

City Wide Cleanup: City Administrator Law said a date of October 24, 2020 had been discussed for a Louisburg City Wide Cleanup. Councilmember Thorvald McKiearnan moved, seconded by Councilmember Kalee Smith and carried 5-0, to have the City Wide Cleanup Day on October 24, 2020.

CITY ATTORNEY'S REPORT

None

MAYOR'S REPORT

None

ADMINISTRATOR'S REPORT

Wastewater Treatment Plant – Project Contingency Allowance Increase Recommendation: City Administrator Nathan Law said staff has been in contact with project/construction engineers regarding the current use and remaining balance of contingency allowance and testing allowance, as well as current and estimated number of days allowed for delays. Staff presented recommendations from Lamp Rynearson.

Councilmembers McKiearnan asked about the mud mat, Cook asked why were some or all of the change order items not caught during design. Jon Shellhorn with Lamp Rynearson said these are additional items and it is very

common to have changes. Mr. Shellhorn explained the mud mats and reasons for needing them. Councilmembers had discussion. Councilmember Town asked who verifies that we need the changes. The process for change orders and approval was explained. Councilmembers had more discussion. Councilmember Steve Town moved, seconded by Councilmember Sandy Harris to recommend the contingency allowance funds by \$150,000, the testing allowance by \$25,000, and the extension of 85 calendar days. Councilmembers had discussion. Councilmember Thorvald McKiernan made a motion to amend the original motion and reduce the allowance funds to \$75,000. McKiernan said he doesn't feel comfortable with the \$150,000. Councilmember Steve Town seconded the amendment and carried 5-0.

The amended original motion carried 5-0.

Zone Change for 405 S. 3rd Street: The Planning Commission discussed a proposed zone change for property located at 405 S. 3rd Street – owned by Kimberly Hall (Bungalow Boutique) – at its regular meeting May 27, 2020. The proposed rezone is from C-2 – Central Business District designation to R-1 – Single Family Dwelling District.

Rezoning is a process that requires a public hearing. A public hearing notice was published in the Miami County Republic May 6, 2020 and all property owners within a 200-foot radius were given direct notification of the hearing date and time. Planning Commission is tasked with making a recommendation of approval, or otherwise, of such rezoning to Council for final approval.

During the hearing no public comment was received. Following closing of the hearing and after taking into consideration what Commission felt were the facts of the request, Planning Commission voted unanimously to approve the rezone request and recommend City Council consider the same.

All necessary fees for the application process and all other associated costs have been paid. Councilmember Donna Cook moved, seconded by Councilmember Thorvald McKiernan and carried 5-0, to rezone the property at 405 S. 3rd and authorize Mayor Southard sign Ordinance 1120.

Special Use Permit – Automotive Light Maintenance Shop – 601 S. Metcalf Road: The Planning Commission has discussed this proposed Special Use Permit, of which the resulting recommendation requires City Council confirmation and approval by ordinance. For this item/discussion the appropriate public hearing process was followed, with a hearing notice published on May 6,

2020 and the hearing having been held on May 27, 2020. All property owners within a 200-foot radius were given direct notification of the same. During the hearing no public comment was received. The Planning Commission recommends Council approve the following request for Special Use Permit:

Case No. 20001-SUP – Property located at 601 S. Metcalf Road, Suite 400. Provisions for this use are found in City of Louisburg Zoning Regulations of 2010, as amended by City Ordinance 1023, Section 509, and Paragraph 7. This SUP is to allow for the operation of an Automotive Light Maintenance Shop, subject to the following stipulations:

1. Signage – Business owner shall update existing signage to advertise new establishment. All updates shall be limited to the same square footage of existing signage. Additional signage shall require a permit and meet the requirements outlined in the City Zoning Regulations.
2. Trash Containers – Business owner shall use existing shared trash containers located on the property. Additional trash containers may require enclosures to be installed. Please consult Zoning Department prior to installing additional trash containers.
3. Outdoor Storage – Outdoor storage shall be kept to a minimum. Vehicles parked outdoors shall not be junked or in a state that creates an eyesore. The number of vehicles shall be limited to the parking stalls outlined within the lease agreement. No equipment or parts shall be stored outdoors for any amount of time.
4. Solid or Semi-solid fencing – The Planning Commission has determined additional screening along South Metcalf Road is not required. The existing chain-link fence is sufficient.
5. Outdoor Lighting – All changes associated to outdoor lighting shall be approved by the Zoning Department and/or Planning Commission.
6. Business Expansion – Changes to this Special Use Permit to include expansion will require Planning Commission Review. Examples include:
 - Business owner leases additional units,
 - Business owner begins to use rear of building (East side) for storage. In this case screening may be required.

- Additional outdoor storage required.

Financial: Applicant has paid all necessary fees for the application process and all other associated costs.

Legal: The ordinance must be published once in the official newspaper.

Councilmember Kalee Smith moved, seconded by Councilmember Donna Cook. Councilmembers had discussion. Motion carried 5-0, to approve the attached ordinance (1121) for a Special Use Permit under Case No. 20001-SUP, for property located at 601 S. Metcalf Road, Suite 400, for operation of an Automotive Light Maintenance Shop.

Building Codes Update: Staff was directed some time ago to work with IBTS to update the slate of building codes for the City of Louisburg. In working with IBTS, staff has received a number of ordinances for Council consideration for updating each of the current building codes. Councilmembers had discussion and would like to table the International Fire Code, 2018 Edition. Councilmember Donna Cook moved, seconded by Councilmember Thorvald McKiernan and carried 5-0, to table the International Fire Code, 2018 Edition.

International Building Code, 2018 Edition – Councilmember Thorvald McKiernan moved, seconded by Councilmember Kalee Smith and carried 5-0, to adopt Ordinance 1122.

International Fuel Gas Code, 2018 Edition – Councilmember Kalee Smith moved, seconded by Councilmember Thorvald McKiernan and carried 5-0, to adopt Ordinance 1123.

International Mechanical Code, 2018 Edition – Councilmember Thorvald McKiernan moved, seconded by Councilmember Kalee Smith and carried 5-0, to adopt Ordinance 1124.

International Plumbing Code, 2018 Edition – Councilmember Kalee Smith moved, seconded by Councilmember Sandy Harris. Councilmember Harris asked if this is for replacement plumbing fixtures. City Administrator Law said this is for new construction. Motion carried 5-0, to adopt Ordinance 1125.

International Residential Code, 2018 Edition – Councilmember Sandy Harris moved, seconded by Councilmember Steve Town and carried 5-0, to adopt Ordinance 1126.

National Electric Code, 2017 Edition – Councilmember Thorvald McKiernan moved, seconded by Councilmember Sandy Harris and carried 5-0, to adopt Ordinance 1127.

New Street Lights: Craig Hufferd Public Works Supervisor put a memo out that said the City of Louisburg will not incur any upfront cost for the placement of all new streetlights through Evergy. After talking with Evergy they told Craig that they would install everything as part of our lease agreement. The only change would be the total amount due every month for the number of streetlights we have in town. This change will amount to \$16.23 - \$27.12 per fixture depending on what fixture is needed for the location. If approved, the next step would be to contact Evergy to let them know they may start installing the new lights. The lights mounted on existing poles can be done more quickly while the new poles could take up to 3 months to be installed.

Councilmember McKiernan would like to see a cost analysis if our City Employees put up the poles. Administrator Law said we don't have trained employees to do this kind of work. This may also violate the current franchise agreement, but may be able to negotiate out of that term. Councilmember Cook asked why the new lights. Councilmember McKiernan said we should be able to install our own lights. Councilmember Town asked if we have to run electricity ourselves and would the overhead lines be buried. Councilmembers had discussion. Councilmember Steve Town moved, seconded by Councilmember Kalee Smith to table this item until a cost estimate to install our own street lights is brought back to Council. Councilmember Sandy Harris asked if Administrator Law could bring back pricing. Motion carried 5-0, to table this item.

North Broadway Sidewalks: Attached for Council review is a Request for Qualifications document for the sidewalk project along N. Broadway Street. Staff is seeking Council discussion, input and approval for the document. The items intended to be directed on are:

Will this be a request for qualifications, or a request for proposals; scope of project, whether extending to N. 9th, N. 15th, N. 16th, or some other location along the path; determine project schedule, including advertisement, submission date/time, contract authorization, when engineering plans are to be completed; who

will be included as part of the Selection Committee; and determine selection criteria and weighting of each.

Councilmember Donna Cook said she thinks it will be very costly to add sidewalks along that roadway. Councilmember Smith said sidewalks are badly needed on North Broadway. Councilmembers had discussion.

Councilmembers would like the project to go to N. 9th St. with a two-month project schedule and an end-of-the-year due date, the application should ask for years a firm is in business and pricing proposals should be returned to Council. Councilmember Steve Town moved, seconded by Councilmember Kalee Smith and carried 5-0, to approve the RFP for North Broadway Sidewalk.

CDBG-CV Contract and Document Approval: Administrator Nathan Law said there is a series of documents provided by the Kansas Department of Commerce. Following notice of grant award, these documents are the next step toward moving ahead with the intended purpose of grant funds, which is disbursement to qualifying businesses or employees, to help alleviate the financial stress the pandemic has had to date. While guidance on use of funds seems to continually be honed, the attached documentation is either the understanding to date, or standard documentation used in other similar grant processes. The contract document should be reviewed and acted upon by City Council, the intent of which is to have Mayor Southard sign two original copies and return to the Department of Commerce.

For the attached authorized signature form there is a minimum requirement of two, which are typically staff members, but a third signature could be added in case one of the two are out of office. For the ease of the funding process, staff is recommending the City Administrator and the Finance Director serve the minimum signature purpose. Staff also recommends additional signatures of the City Clerk.

There may be future documentation needed for the grant process. If that is the case, for expedience, it is recommended Council identify a member of staff to sign and return.

Councilmember McKiernan asked what does this pay for. Law said it would pay for wages, utilities, payroll, and other qualifying costs related to the pandemic. It would be retroactive. Councilmember Sandy Harris moved, seconded by

Councilmember Thorvald McKiernan and carried 5-0, to approve the contract document and authorize Mayor Southard to sign.

Councilmember McKiernan moved, seconded by Councilmember Kalee Smith and carried 5-0, to authorize the Finance Director, City Administrator and City Clerk as additional signers.

Councilmember Steve Town moved, seconded by Councilmember Kalee Smith and carried 5-0, to authorize City Administrator Nathan Law sign any future documents needed as part of this grant funding process.

COUNCIL REPORTS

Councilmember McKiernan: Councilmember McKiernan asked about the speed limit signs for 68-Hwy Metcalf to Rockville. Craig Hufferd said he would check again with KDOT.

Chief Bauer said he would also check with the County on signs from 271st to Rockville.

McKiernan said since the Library is short on space, maybe let them use Fox Hall on a weekday afternoon. Law said this could be brought up to the Library and Fox Hall Boards.

Councilmember Harris: Councilmember Harris asked Chief Bauer if he had time to check out Shoreline speeds. Chief Bauer said he looked and didn't find anything to report, but is having other officers check speed in that area as well. Councilmember Harris said they speed all the time thru that area. Harris asked if the painting of the crosswalk was still going to happen. Hufferd said yes it was, to be done with all other annual street painting.

Councilmember Cook: Councilmember Donna Cook asked if the Casey's was still going to build a new place. Administrator Law said yes, but the plans are just delayed.

Councilmember Smith: Councilmember Kalee Smith asked about the feral cat problem. Administrator Law said there is no good option at this time. Without a rabies outbreak, it is unlikely the state would conduct a capture and destroy program. We couldn't find an animal control company that was willing to trap

them. Chief Bauer said he would reach out to the homeowner and see how things were going.

Councilmember Town: Councilmember Steve Town asked how we would promote the fireworks at Lewis-Young this year. Administrator Law said we will advertise on social media and also put on our big sign. Councilmember Harris said he would contact the Boy Scouts to see if they would be willing to collect donations.

ADJOURNMENT

At 8:15p.m. Councilmember Kalee Smith moved, seconded by Councilmember Donna Cook and carried 5-0, to adjourn the meeting.

Approved:

Marty Southard, Mayor

Attest:

Traci Storey, City Clerk