

**CITY OF LOUISBURG, KANSAS  
MINUTES OF REGULAR MEETING  
JULY 6, 2020**

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 was absent. Mayor Marty Southard presiding.

Council Members Steve Town, 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  
Press  
Visitors Dan Hamilton, Lesley Rigney, Bryce Smith

**PLEDGE OF ALLEGIANCE**

Councilmember Donna Cook led the pledge of allegiance.

**APPROVAL OF CONSENT AGENDA**

Councilmember Donna Cook asked about the Louisburg Ford bill. Administrator Law said that was for 2 Public Works vehicles. Cook inquired about the bill for Westport Pools. Administrator Law replied that was for scheduled maintenance. Councilmember Sandy Harris asked about a sentence in the minutes that he felt was not a complete sentence. Law said it was likely missing a comma and apologized. Councilmember Sandy Harris moved, seconded by Councilmember Donna Cook and carried 4-0, to approve the consent agenda to include adoption of the agenda, approval of the regular meeting June 15, 2020 minutes.

**VISITORS**

Dan Hamilton of 5 N. Broadway told the Council his driveway was caving in due to stormwater issues. He presented pictures to the Council of the problems

on his property. Hamilton said he is willing to put in a new driveway if the City would put in a concrete pipe to help with the flow of the water. Without a new pipe the driveway would not be able to handle all the water. Councilmember McKiernan said that a metal pipe isn't made to last forever. If the City pays for the pipe he thinks the homeowner should be responsible for installing it. Hamilton said it should be the City's responsibility for installing it. Councilmembers had discussion and would like Administrator Law to bring back prices for options for the pipe.

Lesley Rigney with the Miami County Conservation Commission spoke to the Council and is asking for Louisburg to continue contributing \$2,500 annually for the next three years to help fill the local match requirement for Hillsdale Lake and associated Watershed on a grant they have been awarded to reduce the amount of phosphorous entering the lake. Hillsdale Watershed is important to Louisburg since it is part of the water source for the PUA and our drinking water. Phosphorous contributes to the growth of algae, which contributes to taste and odor issues with the water. Councilmembers had discussion. Councilmember Thorvald McKiernan moved, seconded by Councilmember Donna Cook and carried 4-0, to continue funding for one year. The Council said Rigney would have to return each of the next two years to ask for continued funding.

## **PUBLIC COMMENTS**

None

## **DEPARTMENT REPORTS**

**Fire Department:** None

**Police Department:** Police Chief Tim Bauer said he has been working to fill a full-time police officer position with a qualified candidate to serve the Louisburg community. John Mann has applied and successfully completed the Police Department's hiring process to become a police officer with the department. Mann already has his Kansas Police Officer Certification and won't need to attend the Academy, but will complete a modified in-house Field Training Program with the department. Mann is already familiar with the Miami County area as he has previously worked and lived in the area. Councilmember Steve Town moved, seconded by Councilmember Thorvald McKiernan and carried 4-0, to approve the hiring of John Mann as a full time officer with a pay grade of 2-10B.

City Administrator Nathan Law said the City Treasurer has moved across state lines. City code requires this appointee to reside in the state of Kansas. Mayor Southard appoints City Clerk Traci Storey to be City Treasurer. Councilmember Donna Cook moved, seconded by Councilmember Sandy Harris and carried 4-0, to approve the appointment of Traci Storey to City Treasurer.

Administrator Law said at the County Commissioners recent meeting the commissioners opted out of requiring face masks to be worn in public in the County. The Council can impose a city requirement to wear face masks if desired. No action was taken by the Council, with the understanding that it can always be reconsidered at a later time.

### **CITY ATTORNEY'S REPORT**

None

### **MAYOR'S REPORT**

Mayor Marty Southard received a letter that the 100<sup>th</sup> Anniversary of the First National Bank will be July 30<sup>th</sup>. This is the oldest business in Louisburg. Mayor Southard will present a Proclamation at the next meeting that will declare July 30, 2020, as First National Bank Day.

### **ADMINISTRATOR'S REPORT**

**Solid Waste Contract Renewal Consideration:** City Administrator Nathan Law presented information for a two-year term contract extension. Councilmember Steve Town asked about the bidding process in the second year. Councilmember Thorvald McKiernan moved, seconded by Councilmember Sandy Harris and carried 4-0, to accept the two-year contract extension with Waste Management. Bryce Smith with Waste Management said the Louisburg Citywide Clean Up will be October 24, 2020.

**Tower Attachment Agreement and Memorandum of License:** Staff has been working with Miami County and Tusa Consulting Services to determine how to utilize a term in a previous ground lease agreement with a private cellular carrier to attach 800 MHz dispatching radio equipment to a cellular tower located on City property. Following a somewhat lengthy legal discussion among the various entities, staff is recommending City of Louisburg enter into agreement with USCOC Nebraska/Kansas, LLC, a Delaware limited liability company. Staff

presented a copy of the agreement and a memorandum of licensure. These documents are USCOC legal requirements for utilizing ground lease space and referenced agreement terms.

These documents are still in draft form. With that in mind, for the sake of expediency on a very vital project, staff requests Council consider approving the tower attachment agreement and the memorandum of license, pending final form to be provided, and authorize the Mayor to sign when received. This would keep this tower space from being a continued delay for the Miami County radio project.

Councilmember Thorvald McKiernan moved, seconded by Councilmember Donna Cook. Councilmembers had discussion. Motion carried 4-0, to approve the tower attachment agreement and the memorandum of licensure.

**Go Brolly Communications Agreement Renewal:** City Administrator Law said staff has been in discussions with Rick Wagner and Shay Wilson with Go Brolly regarding a renewal of the currently outdated space lease agreement. Brolly Communications, Inc. entered into an agreement with the City of Louisburg in 2014, allowing the company to attach equipment on three water towers and locate equipment in the Fire Station. In return for attachment consideration, the City of Louisburg directed the company to offer wireless subscriber services to the Louisburg Community at a rate that is consistent with regional market. Additionally, the City of Louisburg has and continues to receive services from Go Brolly at no cost.

Staff requested Mr. Wagner to provide information to City Council, including a narrative of the services, a list of the service value provided to the City of Louisburg, and list the terms being requested for renewal consideration. Currently requested term of 10 or more years is somewhat standard for tower attachment leases, and is not subject to allowances or restrictions found within state statute regarding franchise agreements. Councilmember Sandy Harris thought 10 years was too many years. Councilmember Steve Town said he would like to see a 5-year agreement with a 2-year extension. Councilmembers had discussion. Councilmember Steve Town moved, seconded by Councilmember Sandy Harris and carried 4-0, to approve a 5-year contract with a 3-year extension option, followed by a possible 2-year extension option.

**New Curb on Aquatic Dr. and Amity/K-68:** City Administrator Nathan Law said in May staff approached Council with a request by USD 416 to consider adding new curb on the SW radius of the Aquatic Drive and Amity/K-68

intersection. The work would include grading and replacement of approximately 30 ft. of sidewalk. Staff was directed to seek funding split with the school district for this work. Since that time staff has received confirmation of willingness to split funding. Staff is still working with KDOT for approval on the project. At this time staff is seeking project approval from Council. With the end of summer rapidly approaching, if this project is approved and can be bid directly with contractors and expedited in that manner, there is some hope the work can be completed before the school year would begin. It is less desirable to conduct construction work while school is in session. Councilmember Thorvald McKiernan moved, seconded by Councilmember Sandy Harris and carried 4-0, to help fund the project, but not to exceed \$10,000.

**Electrical Work Requested in Downtown:** City Administrator said that during design and construction of the Historic Downtown there was intent to include electrical receptacles sized to accommodate food trucks at various locations. At some point during the design-build process this intent was lost and did not see such receptacles installed in the downtown area. Staff has sought out the electrical contractor on that project to see what options there are to accommodate this consideration at this time. With food trucks having varying electrical needs and varying plug designs, the more appropriate option may be to select one or more pull box locations in the area to pull and make available a tap box connection point for a temporary receptacle board. This board would have options for different plug styles to accommodate the needs of various food trucks. The number of locations where these would be possible are: At the electrical service location next to the alley between City and Fox halls, at one of the light poles between City Hall and Fox Hall (less ideal for retrofit), or at one of the pull boxes on either side of the intersection of Broadway Street and S. 2nd Street. There would be an option for adding another location at Broadway Street and S. 1st Street next to Memories Park. Options provided for location and equipment are:

Option A: Furnish and install 100 amp feeder from the electrical service for the Broadway Street lighting to the southeast corner of Second and Broadway. Furnish and install an above-ground tap box at that location. Furnish a 100 amp 3R panel with breakers mounted on a portable stand that will have four 20 amp GFI 3R receptacles, three 30 amp 3r receptacles and one 50 amp 3r receptacle. Furnish and install 100 amp feeder from the southeast corner of Second and Broadway to the southeast corner of First and Broadway. Furnish and install an above-ground tap box at that location. Furnish a 100 amp 3R panel with breakers

mounted on a portable stand that will have four 20 amp GFI 3R receptacles, three 30 amp 3r receptacles and one 50 amp 3r receptacle.

Option B: Furnish and install 100 amp feeder from the electrical service for the Broadway Street lighting to the southeast corner of Second and Broadway. Furnish and install an above-ground tap box at that location. Furnish a 100 amp 3R panel with breakers mounted on a portable stand that will have four 20 amp GFI 3R receptacles, three 30 amp 3r receptacles and one 50 amp 3r receptacle. Furnish and install 100 amp feeders from the electrical service for the Broadway Street lighting to the southwest corner of Second and Broadway. Furnish and install an above-ground tap box at that location. Furnish a 100 amp 3R panel with breakers mounted on a portable stand that will have four 20 amp GFI 3R receptacles, three 30 amp 3r receptacles and one 50 amp 3r receptacle.

Option A uses the same 100 amp feeder for both panels but provides additional power at First and Broadway. Option B provides two 100 amp feeders, effectively providing double the available power but they are both at Second and Broadway. Currently the events that utilize the downtown area each year are the Cider Run sponsored by the Chamber of Commerce and the End of Summer Bash sponsored by the Library.

Financial: Any two panel locations is estimated to cost \$9,000, however an hours and materials billing would likely reduce the final cost slightly. This is not a budgeted item. Councilmember Donna Cook said she spoke with some food truck owners they suggested a tent for customers to stand under would be more beneficial for them, because all food trucks are required to have generators. Councilmember Sandy Harris said he thinks having the electrical outlets would be very beneficial. It could bring people together for events in the downtown area. Councilmember McKiernan said it would be great for Halloween on Broadway. Councilmember Cook said she would rather see the money used elsewhere. City Councilmembers had discussion. Administrator Law said we could pay for these out of the general funds. Councilmember McKiernan said maybe having them scattered out more would help. Councilmembers would like Administrator Law to get more information and return at a future meeting.

## **COUNCIL REPORTS**

**Councilmember Harris:** Councilmember Harris asked Chief Bauer if he had any news on putting a three-way stop at Shoreline and Danford. Chief Bauer said he didn't find anything to report, but is having other officers check speed in

that area as well. They have given one ticket for that area and a few warnings. Councilmember Harris said he would like officers to watch the area in the evenings and weekends.

Harris asked about a homeowner at the Lake area that purchased an extra lot, who has now put a fence around it. Councilmember McKiernan said he thinks the allowance of allowing payment for a sidewalk in lieu of constructing a sidewalk should be abandoned so this doesn't happen in the future. City Administrator said this is technically a back yard as the lots have been legally combined and as such a fence is allowed in the area.

Harris asked if all the yellow donations boxes (Planet Aid) have been picked up. Administrator Law said they have been removed.

Harris thanked everyone that helped put together a great fireworks show and getting cars out quickly. Councilmember Harris said if we have a fireworks ban in the City why isn't it enforced. Chief Bauer said they take many calls and try and get to the address that is shooting them, but many times by the time the police can arrive the alleged violators have quit shooting off the fireworks.

Harris said even though Miami County doesn't require persons to wear a mask, he would like to encourage people to wear one.

**Councilmember Cook:** Councilmember Donna Cook asked if the pool was keeping track of temperatures of employees. Administrator Law said pool managers had been instructed to conduct a symptom review prior to each shift and this includes taking temperatures.

**Mayor Southard:** Mayor Marty Southard reminded Councilmembers to report on meetings they might have attended.

**ADJOURNMENT**

At 8:18p.m. Councilmember Sandy Harris moved, seconded by Councilmember Thorvald McKiernan and carried 4-0, to adjourn the meeting.

Approved:

---

Marty Southard, Mayor

Attest:

---

Traci Storey, City Clerk