

**CITY OF LOUISBURG, KANSAS  
MINUTES OF REGULAR MEETING  
AUGUST 5, 2019**

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, Lee Baer, Sandy Harris and Thorvald McKiernan  
City Administrator Nathan Law  
City Clerk Traci Storey  
City Attorney Kelly Stohs  
Police Chief Tim Bauer  
Fire Chief  
Communications Coordinator Jean Carder  
Public Works Supervisor Craig Hufferd  
Press  
Visitors Julie Bailes, Kraig Hickey, Becky Bowes

**PLEDGE OF ALLEGIANCE**

Councilmember Sandy Harris led the pledge of allegiance.

**APPROVAL OF CONSENT AGENDA**

Councilmember Kalee Smith questioned the bill for the awnings at City Hall. Administrator Law said that was replacement awnings due to hail damage. Councilmember Steve Town moved, seconded by Councilmember Thorvald McKiernan and carried 5-0, to approve the consent agenda to include adoption of the agenda, approval of the July 15, 2019, minutes and bills list.

**2020 BUDGET PUBLIC HEARING**

Administrator Law provided the Council with a presentation on the 2020 proposed budget. The budget calls for no change in the mill levy remaining at 34.435. After the presentation, Mayor Southard opened the public hearing for comments. There were no comments on the 2020 budget. Mayor Southard closed the public hearing. Councilmember Town moved to approve the 2020 budget, seconded by Councilmember Lee Baer. Motion passed 5-0.

## **VISITORS**

### **Julie Bailes – Complaint regarding noise at the Sonic Drive-In**

Julie Bailes and a neighbor who live near the Sonic voiced their frustrations to the Council about the noise, traffic and alleged illegal activities at the restaurant that spills over into the neighborhood surrounding the restaurant. Ms. Bailes said teenagers show up after school and stay throughout the evening. She said this is a year-round problem not just a summertime issue. She has talked with Sonic Corporate as well as the local Sonic owners and hasn't made any progress.

Councilmember Smith said the activity might be more than Sonic can handle. She has been at the restaurant and noticed similar activity.

Mayor Southard asked Chief Bauer if the police can help with the situation. Chief Bauer said the department has increased patrols in the area. He said there have been 14 reports generated this year with four of those incidents being juvenile gatherings while the others were alarm calls, checking the welfare of someone and similar incidents. The homeowners thought there should have been more reports than that. Chief Bauer said a report is only generated when the reporting party is willing to talk to police, file a report and be willing to testify if need be.

Chief Bauer said he is willing to meet with the homeowners and see if a solution can be reached. Chief Bauer said another consideration is the restaurant is located on private property. Mayor Southard encouraged the homeowners to talk with the police department.

Councilmember McKiernan asked if any noise stipulations were included with the Conditional Use Permit when the restaurant was built. Administrator Law said staff will pull the original site plan to see if noise was one of the stipulations of the site plan.

### **American Legion – Tractor Pull Lewis-Young Park resolution**

American Legion representative Kraig Hickey asked Council to consider signing a resolution for the Legion to allow for alcohol to be consumed during the annual Labor Day truck & tractor pull at Lewis-Young Park. Councilmember Smith moved to approve Resolution 8-5-19A, Councilmember McKiernan seconded. Motion passed 5-0.

### **Louisburg Chamber of Commerce – Cider Run resolution**

Chamber representative Becky Bowes asked Council to consider signing a resolution to allow for the sale and consumption of alcohol during the Chamber's Cider Run. Councilmember Town asked if there would be any activities at the Wildcat Activity Center. Ms. Bowes said no that the focus is to keep the event on Broadway and use the WAC for parking. Councilmember McKiernan asked if the

alcohol sales and consumption area would be fenced. Ms. Bowes said it will. Councilmember Town moved to approve Resolution 8-5-19B, Councilmember Harris seconded. Motion passed 5-0.

### **PUBLIC COMMENTS**

None

### **DEPARTMENT REPORTS**

**Police Department:** Police Chief Bauer said the department is processing a potential new hire and hopes to have a hiring recommendation at the next meeting.

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

None

### **COUNCIL REPORTS**

**Councilmember Smith** asked about the potholes on Amity in front of Dollar General. Administrator Law said staff would reach out to KDOT for more information.

Councilmember Smith would like more information on the RHID project. She asked what is the capacity of the sewer and if it is sufficient? Administrator Law said the plant is designed to treat 700,000 gallons per day. At that treatment capacity and based on a population equivalent, Mr. Law said the city would have to reach a population of about 7,000 until the plant reaches capacity. He said that is not taking into consideration the treatment ponds as they will be used for storm situations, he said. Councilmember Smith said her concern that with the potential growth but without the tax revenue the city can't maintain or afford that growth. Administrator Law said city staff reviewed the RHID at great length, looked at the population increase and determined the city can handle the additional homes. The city can't control anything to do with the school, county or state. Mr. Law said Chief Bauer said once the 13<sup>th</sup> officer is hired, which has been budgeted for, the police department will be fully staffed. They are currently in the process of filling the 12<sup>th</sup> open position. Mr. Law said with added structures there is always a risk of fire but having a full-time fire staff is in the distant future. Those properties wouldn't bare the cost to go to a full-time fire crew as the entire city would absorb that cost. Mr. Law said the estimated cost of a full-time fire crew is \$1 million. For the street department, Administrator Law, said staff have run numbers, looked at

the number of streets that have been milled and overlaid and on the current maintenance cycle, the city can maintain city streets. If streets needed to be replaced, the city would need to look at alternative funding and this would be the case with additional residences or not.

Administrator Law said the answer to all the questions is yes, the city can handle the additional population.

Councilmember Smith said she would like to rescind her vote taken at the July 15, 2019, meeting. Mayor Southard said that Councilmember Smith would need to make a motion to rescind the previous vote. City Attorney Stohs reminded Council there is a public hearing planned for the Aug. 19 meeting and these issues could be brought up then. Ms. Stohs said the public hearing would be the best opportunity to bring up concerns and is the appropriate time to discuss the matter. Councilmember Smith said she understood the public hearing is the time to get information and discuss.

Ms. Stohs said the findings for the RHID have been made per state statute. The next step in the process is to have a public hearing. The hearing is the opportunity for more discussion and an opportunity to vote again. The last step is to consider approval of the ordinance that allows for the RHID. The vote on the ordinance can come at that meeting or be recessed for good cause to the next meeting. Ms. Stohs said Councilmember Smith is asking if the Council will be able to act on the RHID after the public hearing. She said it was and referred to State Statue 12-5246 which states that an opportunity must be given to provide information and following any presentation accept public comment and at which time the Council can either vote for the matter or recess for good cause. The final result will be the Council taking action on the RHID by ordinance, Stohs said.

**Councilmember Baer** asked if the streetlights on Rockville Road were KCP&L poles and said he had received a complaint about light spillage. Administrator Law said the poles are KCP&L and if there is a problem with the lights a pole number and address of the property affected by any light spillage is helpful. Councilmember Baer said he would check the poles and get back with staff.

**Councilmember Harris** thanked the Police, Fire and Public Works departments for setting up at the Louisburg Library's touch-a-truck event. It was a great event and he looks forward to next year. He commended the library on the SummerBASH and the end-of-the program event.

## **MAYOR'S REPORT**

**Planning Commission Opening:** Mayor Southard said he had three applications for Planning Commission. He would like to recommend Michelle Olson, 509 S. Ninth, to fill the vacant position. Councilmember Town moved, and seconded by Councilmember Baer, to affirm the appointment. Motion passed 5-0. Councilmember Harris asked if Planning Commission Chairman Andy Sauber would continue to serve as chair upon his recent resignation from his local job. Staff indicated that Mr. Sauber had said he is not relocating and will remain in his capacity on the commission.

## **ADMINISTRATOR'S REPORT**

**Blighted Property Resolution for 807. S. Third:** Administrator Law said this property is a safety concern to surrounding properties due to an unfit dwelling, open cistern and various nuisance concerns. Certified notices of these concerns have been provided to the property owner and attorney. Mr. Law said as long as the property stays in the current ownership the city can proceed with the process. If the property is demolished, the property owner can pay the cost of demolition within 30 days or the costs becomes a lien on the property. Councilmember McKiernan moved, seconded by Councilmember Harris, to approve Resolution 8-5-19C to set a public hearing for Oct. 7, 2019, for consideration to name the property at 807 S. Third as unsafe or dangerous and for consideration of removal of other nuisance items. Motion passed 5-0.

**Kansas Police & Firefighters Retirement System:** Administrator Law said a move from KPERS to FP&F for the police and fire department personnel was discussed last calendar year but the city could not meet the timeframe to go to KP&F in 2020. Councilmember Smith moved, seconded by Councilmember Town, to approve Resolution 8-5-19D to becoming a participating employer in the Kansas Police and Fireman's Retirement System. Motion passed 5-0.

**Fox Hall Renovation:** Administrator Law said by now the Council had probably heard the news that the city was awarded a grant by the First Option Trusteed Foundation: the Roman Foundation and the Velma Kelly Charitable Trust, to renovate Fox Hall. The total budgeted estimate was \$290,474. The grant award was for \$225,000. Mr. Law said the city may have to add a fire sprinkler system, which was not included in the estimate provided in the application to First Option. Mr. Law said the rental rates would be the same the first year and with the savings in new HVAC and lighting the rental rates could remain the same. After

the first year staff would evaluate if rental rate needs to change. The city would gap fund the additional costs or there are some Fox Hall dollars that are available. Mr. Law said the additional amount is estimated at \$85,000 with the gap costs and the fire sprinkler. A committee met to review RFQs and 4 qualifications were received. The committee recommended Legacy Contractors, LLC, if the Council desires to move ahead with the renovation. Councilmember Town moved, seconded by Councilmember McKiernan to renovate Fox Hall. Motion passed 5-0. Councilmember Town moved, seconded by Councilmember Smith, to direct staff to use the Design-Build method and to review overall cost before construction. Councilmember Baer asked if it is realistic to look at costs during a Design-Build project. Administrator Law said there was a desire by the granting entity to expedite the project but outside of that it would be realistic that there is a Not To Exceed number. Motion passed 5-0. Councilmember Town moved, seconded by Councilmember Baer, to name Legacy Contractors LLC as the contractor. Motion passed 5-0.

**Paws at the Pool:** Administrator Law said Council directed staff about a year ago to look into a dog day at the pool. Information has been provided to Council to review for a Paws at the Pool event. Mr. Law noted all dogs entering must have a city tag that requires a current rabies vaccine. There is no disease risk for humans as the pool has closed and humans will not be allowed in the pool. Councilmember Town asked how a dog would be rescued if needed. Mr. Law said this is an unstaffed event and patrons assume that risk by participating. Councilmember Baer asked if the event would require additional cleaning of the pool. Mr. Law said the filter should be able to handle dog hair and not shorten the life of the filter. Cleaning of the pool is standard yearly, Mr Law said, and chlorine will not be added to the water after the pool closes. This may also help with chlorine sensitivity for animals. Councilmember Harris asked if there would be staff at the event. Mr. Law said limited staff will be at the pool. Councilmember Harris moved, and Councilmember Town seconded, to approve the concept of Paws at the Pool and allow staff to publicize the event. Motion carried 5-0.

**Sewer Maintenance Program** – Administrator Law said a sewer maintenance program is something staff has been working on for a while. This program is a requirement from Kansas Department of Health & Environment as part of the wastewater treatment plant but it also helps with general maintenance of the system. The inspection and cleaning will help maintain the system and chart unknown deficiencies. Mr. Law said this program is highly recommended by all staff. Because of the nature of the work, Mr. Law said this isn't something we would recommend having seasonal employees do. He said this is a long-term,

multi-year project. Councilmember McKiearnan asked if this would find stormwater infiltration. Mr. Law said it may with televising, but at some point we may consider a smoke test to help find other infiltration locations. Public Works Supervisor Hufferd said the project also includes manhole inspections, which will also show if there is stormwater infiltration in the manholes. Councilmember McKiearnan moved, seconded by Councilmember Baer, to hire Hydro Klean for the sewer maintenance program. Motion carried 5-0.

**Public Services New Hire** – Public Works Supervisor Hufferd recommends that Council hire Mickey Goodman as the newest Public Works employee. Councilmember McKiearnan said he would abstain from discussion as Goodman is a relative. Councilmember Town moved, seconded by Councilmember Harris, to approve hiring Mickey Goodman as a Public Service Worker I, 2-4A. Motion carried 4-0.

**Crossing Guard** – Administrator Law said discussion of a crossing guard at Amity & Sutherland/Aquatic Drive was brought up at the last council meeting. Mr. Law said he checked with the superintendent of schools who provided a basic cost for the S. Metcalf crossing guard and determined a guard at the Amity Street location would cost \$5,000. The school district is looking to see if some of the Paras would want extra hours to work before and after school. Mr. Law said the city could share the cost with the school to place a crossing guard at that location.

Councilmember Smith said she would like to see if the school would consider the Council's request to move the S. Metcalf crossing guard to the Amity Street location. Councilmember Baer said it would be hard to speak for the school board but doesn't think moving the current crossing guard to the other location is a viable option. Councilmember Baer said he would hope to not wait on this since it is a small drop in the bucket for the budget when compared to the safety concerns. In his conversations with school officials, Mr. Baer said he understands that school officials believe the Metcalf location to be as bad as the Amity location. Councilmember McKiearnan said with the money the city put into the HAWK signal that a crossing guard isn't needed at the Metcalf intersection. Mr. Law said in the interest of moving ahead and working with the school district a second crossing guard could be a cost share. Mr. Law said he would rather work with the school rather than look at the cost aspect. Councilmember Town asked if there should be a KDOT consideration. Mr. Law reminded there is a legal requirement for traffic to stop if someone is present in a marked crosswalk. Councilmember Baer said there is a large benefit and a great need to have a crossing guard at the Amity intersection. Councilmember Smith said the crossing guard is not needed at Metcalf and would like to see the school board make that decision to relocate that

crossing guard. Councilmember Baer moved to approve the estimated cost of \$5,000 to provide a crossing guard at the Amity intersection. City Attorney Stohs asked if he wanted to place a contingency on the motion based on what the school board does. Mr. Baer said no as he doesn't believe the school board will do anything. Councilmember Town seconded the motion. Councilmember Town said he would like to clear up the liability issue if we are providing funding but doesn't want to see the lapse in safety. Councilmember Town said several years ago the city had provided funding for signage and vests for homeowners to serve as crossing guards, which they did for a while, but he does not know what happened to that equipment. Motion passed 3-2 with Councilmembers Smith and McKiernan voting no.

### **ADJOURNMENT**

Before adjourning, Mayor Southard reminded Councilmembers to sign the budget.

At 8 p.m. Councilmember Smith moved, seconded by Councilmember McKiernan, to adjourn the meeting. Motion passed 5-0.

Approved:

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Marty Southard, Mayor

Attest:

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Jean Carder, acting City Clerk