

**CITY OF LOUISBURG, KANSAS
MINUTES OF REGULAR MEETING
AUGUST 16, 2021**

Livestream link: <https://boxcast.tv/view/louisburg-city-council-8-16-21-946348>

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, Donna Cook, Sandy Harris, Kevin Vohs, Scott Margrave
City Administrator Nathan Law
City Clerk Traci Storey
City Attorney Jared Anderson
Police Chief Tim Bauer
Fire Chief
Communications Coordinator Jean Carder
Public Works Supervisor Craig Hufferd
Visitors Janet Houchen, Rick Wagner
Mary Carson (Via Zoom)

PLEDGE OF ALLEGIANCE

Councilmember Scott Margrave led the pledge of allegiance.

APPROVAL OF CONSENT AGENDA

Councilmembers Donna Cook and Scott Margrave asked questions regarding the bills list. Administrator Law explained. Councilmember Sandy Harris moved, seconded by Councilmember Cook and carried 5-0, to approve the consent agenda to include adoption of the agenda and approval of the regular meeting minutes August 2, 2021, and the bills list.

VISITORS

Janet Houchen said she owns a corner lot at South 5th and Vine. This is a popular area near all the schools and sidewalks are in poor condition as supported by ratings of a 1 and 2 according to terminology used in the Louisburg Master Trail Plan. Both sidewalks are highly utilized routes for children on their way to

school. The City Code has the authority to condemn and cause owners to correct the sidewalks within a 60-day period, she said. We have not received notice that our sidewalk has been condemned nor do we wish to be “forced” to pay for their upgrade. We do, however, wish to have a safe foot path and nice aesthetic for our children and citizens. Houchen asked if it was possible to have a 50/50 cost-sharing program allowing the City of Louisburg to partner with property owners to repair/replace sidewalks. Other cities have also used grants to help with costs. Mayor Southard said he likes this idea. Councilmember Kevin Vohs said a grant would be great. There are residents that may not have the money to fix their sidewalks. Councilmembers had discussion. Administrator Law said he would get more information and bring back.

Rick Wagner wishes to install a 100-foot tall communication tower on the GoBrolly commercial property he owns at 1007 W. Amity. The tower will be behind the building in the S/W corner of the parking lot. This requires a Special Use Permit to install a tower greater than 35 feet. Councilmember Steve Town asked about the new sidewalk going in that area. Wagner said he is all in favor of putting in a sidewalk. Administrator Law said it should not directly conflict with the intended trail, but has a stipulation in the proposed permit for insurance. Councilmember Harris asked if there were any guy wires attached to the tower. Wagner said there were no wires. Councilmember Cook asked if any anti-climb measures were required. Wagner said the tower will have skirting on it that covers low access climbing. Councilmember Vohs asked if this is zoned commercial. Administrator Law said yes it was. The Planning Commission voted 5-0 to recommend Council consideration of the SUP with the stipulations listed in the proposed ordinance. Councilmember Town moved, seconded by Councilmember Vohs and carried 5-0, to approve the Special Use Permit Ordinance 1151 for a 100-foot tower as presented.

PUBLIC COMMENTS

None

DEPARTMENT REPORTS

Administrator Nathan Law said Tony Pourmemar, owner representative of the strip mall on Harvest Drive, was out of town, but read from an email that Mr. Pourmemar sent on why he could not attend the meeting and the continued work since the last meeting. City Attorney Jared Anderson said he noticed no parking

signs on the west end of the lot. He suggested more signage might be needed as there was a tractor trailer parked in the lot that evening on the east end of the lot.

CITY ATTORNEY'S REPORT

None

MAYOR'S REPORT

American Legion Tractor Pull Resolution: Mayor Marty Southard presented a Resolution that allows alcohol to be consumed during the annual Labor Day tractor pull at Lewis-Young Park. The event will be held on Saturday, September 4, 2021. Councilmember Town moved, seconded by Councilmember Cook and carried 5-0, to approve the Resolution 8-16-21A as presented.

Garage Sale Moratorium: Mayor Southard presented the garage sale moratorium ordinance. The following dates allow for garage sale signs to be posted.

September 15, 2021 – September 29, 2021

April 6, 2022 – April 20, 2022

Councilmember Cook moved, seconded by Councilmember Harris and carried 5-0, to authorize Mayor Southard sign Ordinance 1152 as presented.

Volunteer Boards: Mayor Southard said Dan Quinn is currently on Board of Zoning Appeals and would like to serve on the Planning Commission. Councilmember Vohs moved, seconded by Councilmember Margrave and carried 5-0, to appoint Dan Quinn to replace Nate Apple on the Planning Commission.

ADMINISTRATOR'S REPORT

Master Planning Review Continued: Administrator Law this is the third and final section of the Master Trails Plan but the nineteenth section of master planning review. Law asked if anyone would like to discuss any of the items. Councilmember Town asked if there was a larger copy of the map where we could see the sidewalks. Mr. Law said he will try and make that larger and send out to everyone.

Resolution of Intent – Wea Creek Apartments: Administrator Law presented a Resolution of Intent to proceed with the process to issue Industrial Revenue Bonds to finance the Wea Creek apartment project and, once adopted, will allow the City to apply for a retailer’s sales tax exemption certificate for the project. Mary Carson, bond counsel for this project, attended the meeting via Zoom to discuss the resolution, bond process and answer any Council questions. Councilmember Cook asked about section 5 regarding abatement and how long that would be. Mr. Law said it is a 10-year repayment as previously discussed. Ms. Carson said that repayment period is a statutory requirement. Councilmember Town asked for an overview of the project. Councilmember Harris asked what kind of relationship the City will have with the developer. Ms. Carson said the City issues the bonds and enters into a lease agreement and the City will take leasehold interest. The City’s interest is assigned to a bank with trust powers and they manage the bonds and payments. Councilmember Cook asked what happens if the developer goes bankrupt. Ms. Carson said there is no liability on the City for repayment and in fact the statute states that. City Attorney Anderson said the time frame for the abatement is a 10-year max. After discussion Councilmember Town moved, seconded by Councilmember Margrave and carried 5-0, to adopt Resolution of Intent to proceed with the Industrial Revenue Bond process for the Wea Creek Apartments. Resolution number 8-16-21B.

Recreation System Resolution for Ballot Question: Administrator Law presented a resolution advancing a ballot question regarding releasing the Louisburg Recreation Commission from its current one mill cap. Councilmember Vohs moved, seconded by Councilmember Cook and carried 5-0, to authorize Mayor Southard to sign Resolution 082021 as presented.

Tower Attachment Amendment – T-Mobile: Information was provided in the council packet for the request to replace a tower attachment generator and screening at the water tower at 309 S. Aquatic Drive. The Planning Commission approved the site plan. The Council will need to approve an amendment to the agreement. Mr. Law said Staff recommends approval of the agreement. Councilmembers had discussion. Councilmember Vohs moved, seconded by Councilmember Town and carried 5-0, to approve the First Amendment to Water Tower Attachment Communication Site Agreement with T-Mobile Central LLC and direct the Mayor to sign.

Draft Budget Discussion: Mr. Law said this item is being brought up for any remaining questions. Councilmember Cook asked if by approving the budget then budgeted items wouldn’t necessarily come before Council again for final

approval. Cook is interested in amending the purchasing policy. Mr. Law said this is for council discussion and direction. Councilmember Cook asked if that is an executive session discussion. Both Mayor Southard and City Attorney Anderson said that it is not grounds for executive session and would be discussed in open meeting. Councilmember Cook asked for a copy of the purchasing policy. Administrator Law said it is available on the City's website.

Hometown Hero Street Banners: Mr. Law reviewed the information provided on the Hometown Heroes street banners. He said the Council could discuss an option to waive the installation fee. Councilmembers all agreed what a great program this is. Councilmember Margrave suggests waiving the fee for installation. Councilmember Town asked if there were other light poles that could be used. Mr. Law said we may be able to add brackets to other poles. Councilmembers had discussion regarding the installation fee. Councilmember Town moved, seconded by Councilmember Cook and carried 5-0, to approve Staff working with the American Legion on the Hometown Street Hero Program, but waiving the installation fee to hang the banners on the downtown light poles.

COUNCIL REPORTS

Councilmember Town: Councilmember Town asked what work remains at the north lagoons. Administrator Law said they are de-mucking the old aeration basins. They have to be drained and lined to be used as an overflow basin. Administrator Law said the mechanics are in place and should be working.

Councilmember Margrave: no report

Councilmember Cook: Councilmember Cook said it is hard to see at the N. First and Broadway intersection. Administrator Law talked about the sidewalks that will be at that location. Cook asked about the dirt pile on the vacant lot at Mulberry and N. 4th Street. Mr. Law said he talked to the owner and they are planning to spread it out. Cook asked about the stormwater project timeframe. Law said he hopes the design work is complete next month but the project won't be bid until next year. She asked if the APRA funds will cover those costs. Mr. Law said it would cover most of the S. First and Vine estimate but exact cost will not be known until the projects are bid. Cook asked what we did with extra concrete after the sidewalk at S. Fourth and Sims was fixed and if other sidewalks were poured. Hufferd said we used it on two pads for benches at Lewis-Young trail. Cook asked how we determine what the City mows and what is contracted to be mowed for violations. Mr. Law explained the nuisance violation process. Cook

asked about mowing in right-of-ways and easements. Mr. Law said there have been some areas the City has historically mowed and he is working to either understand why they are city-maintained or work to eliminate those. Cook said vendors would like to see more trees planted at the Farmer's Market and sidewalks around it all. Law said they will put that on the next Park and Tree Board Agenda.

Mayor Southard said he received a number of calls about the stoplight at K68/US 69 and said the timer is being fixed.

Councilmember Harris: Councilmember Harris asked about the driveway just north of Amity and Broadway. Mr. Law said he has not heard anything more after Staff talked with the property owner about cost share in providing pipe and fill.

Councilmember Vohs: Councilmember Vohs discussed the LRC board's thoughts about increasing the mill levy saying they have outgrown their programming and facilities. The School Board has approved the resolution for the mil increase. Vohs said he has had many calls regarding the N. 16th zoning issue to be discussed at the next Planning Commission meeting. Other councilmembers said they have also received calls. Vohs asked about the burn site. Hufferd said he has not heard any complaints and it seems to be going well.

ADJOURNMENT

At 7:42 p.m. Councilmember Harris moved, seconded by Councilmember Vohs and carried 5-0.

Approved:

Marty Southard, Mayor

Attest: _____
Traci Storey, City Clerk