

**CITY OF LOUISBURG, KANSAS  
MINUTES OF REGULAR MEETING  
SEPTEMBER 7, 2021**

**Livestream link:** <https://boxcast.tv/view/city-council-9-7-21-235184>

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 7:18 p.m.

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 Jean Mowen, Travis Thompson, Anne Smith

**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 Steve Town and carried 4-0, to approve the consent agenda to include adoption of the agenda and approval of the regular meeting minutes August 16, 2021 and the bills list.

**2021 BUDGET PUBLIC HEARING**

**Hearing to Exceed the Revenue Neutral Rate:** The Public Hearing opened at 6:33 p.m. City Administrator Nathan Law presented Resolution No. 9-7-2021. The City of Louisburg shall levy a property tax rate exceeding the Revenue Neutral Rate of 30.277 mills. Councilmember Cook asked if we adopt this

resolution do we have to spend it. Mr. Law said once that rate is set that is what the County uses to calculate, assess, and collect taxes. Mayor Southard asked if there were any public comments. There were none. Councilmember Town moved, seconded by Councilmember Harris and carried 3-1 (Cook votes no) to adopt Resolution 9-7-2021. Public Hearing was closed at 6:36 p.m.

**Hearing on the 2022 City of Louisburg Budget:** Mayor Southard opened the Public Hearing on the Budget at 6:36 p.m. and asked if anyone would like to speak regarding the 2022 Budget. Anne Smith of 1102 N. 2<sup>nd</sup> St. East asked which employees have city-provided cell phones, is a clothing allowance provided, who oversees tools/equipment and upkeep, how many vehicles does the City own and is a log maintained with make, model and mileage, can citizens review the bills and what fringe benefits are available to employees. Mr. Law said he had a budget presentation available for Council's review. Mayor Southard asked Mr. Law to run through the presentation.

Councilmember Harris asked how we address Ms. Smith's questions. Mayor Southard said all this information is public information, but we just don't have it at our fingertips at this moment. He said we have gone over these things in previous meetings. Administrator Law said any member of the public can ask to see a bill or invoice. Requests can start with the City Clerk, he said. Councilmember Cook thinks we still could lower the budget. Mayor Southard asked if she has specific ideas in mind. She asked about the Purchasing Policy and her concerns that items can be purchased if approved as part of the budget process. Mr. Law stated during the budget workshop the department heads provided a list of specific items needed and justifications for needing them. Council was provided the opportunity to question the needs and justifications for those items. As part of the budget process, those specific items are being approved along with other general expenditures. Large ticket item it will still be brought back for the bid process and selection of sourcing the approved item, not to question the justification of the purchase. If the item is less than \$10,000, it doesn't have to be brought to Council. Cook said she would like the policy to be changed. Staff's recommendation is to close the public hearing and take action. Mayor Southard asked if there were further comments. Public Hearing was closed at 7:12 p.m. Councilmember Harris moved, seconded by Councilmember Margrave and carried 3-1 (Cook votes no) to adopt the 2022 Budget as presented.

## **VISITORS**

Mayor Marty Southard read a Proclamation proclaiming Sept. 17-23 as Constitution Week. Jean Mowen, Miami County Daughters of the American Revolution representative, was here on their behalf. Councilmember Town moved, seconded by Councilmember Cook and carried 4-0, to authorize Mayor Southard sign the Constitution Week Proclamation.

Councilmember Kevin Vohs arrived.

Travis Thompson Chairman of the Historical Preservation Commission gave a presentation on Certified Local Government and the process of identifying historically significant structures or sites. He then presented an ordinance to be reviewed and acted upon at a later date. He also asked if the Council could re-approve the Certified Local Government status at a future meeting. This was approved in the past but was never filed with the State. Councilmembers thanked him for coming.

### **PUBLIC COMMENTS**

None

### **DEPARTMENT REPORTS**

**Police Department:** Police Chief Tim Bauer gave an update on the two newest officers Hamamy and Kremer. Hamamy graduated the Police Academy on Aug. 20 and was third in his class. Kremer completed the Kansas Law Enforcement Training Center's Reciprocity/Challenge examination for Kansas Peace Officer Certification and firearm's qualification on Aug. 28. Both officers are now Kansas certified and happy to be a part of the team, Bauer said.

Public Works – none

Fire Department – none

Administrator - none

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

None

## **MAYOR'S REPORT**

**Special Event Applications:** Mayor Southard presented a special event application for Captain Cook's Treasure Chest. The event will be Sept. 25, 2021. Mr. Law said there are no insurance requirements as this is not on public property and noted a property representative is present to answer any questions Council may have. Councilmember Town moved, seconded by Councilmember Kevin Vohs and carried 4-0-1, (Cook abstained) to accept the special event application as presented.

Mayor Southard presented a special event application for the Louisburg Library to have a movie night. The movie will be Oct. 8 from 6:30 p.m. – 11:00 p.m., and they are asking for S. Second St. from Broadway to Mulberry be closed. Councilmember Vohs moved, seconded by Councilmember Harris and carried 5-0, to approve the special event application as presented.

**Historic Preservation Vacancy:** Mayor Southard said Jacob Vickrey has resigned from the Historic Preservation Commission. Mayor Southard is appointing Doug Carder to fill the position. Councilmember Harris moved, seconded by Councilmember Vohs and carried 5-0, to approve the appointment of Doug Carder to the Historic Preservation Commission.

## **ADMINISTRATOR'S REPORT**

**Master Planning Review Continued:** This meeting's master plan review focused on the first of two sections of the Stormwater Master Plan. Councilmember Vohs asked if the second project, at Shoreline and Broadmoor Cove, was complete. Mr. Law said it was. Councilmember Cook asked if the first project at N. Third and Broadway included the property along the middle of N. Third. Mr. Law confirmed it was. She asked when the design work will be complete. Mr. Law said he expects it by the end of the month. Ideally, Mr. Law said all four projects, N. Third & Broadway, S. First & Vine and S. Fifth/Broadway and S. Ninth/Rogers can be bid at the same time but reminded Council funding has not be identified yet all projects.

**Standard Traffic Ordinance:** Administrator Law presented the Standard Traffic Ordinance. Councilmember Cook moved, seconded by Councilmember Town and carried 5-0, to authorize Mayor Southard sign the Standard Traffic Ordinance 1153.

**Uniform Public Offense Ordinance:** Administrator Law presented the Uniform Public Offense Ordinance. Councilmember Cook asked a question regarding the ordinance. Chief Bauer addressed the question. Councilmember Town moved, seconded by Councilmember Harris and carried 5-0, to authorize Mayor Southard sign the Uniform Public Offense Ordinance 1154.

**Sidewalk Improvements Program for Existing Infrastructure:** Mr. Law said the best method when making sidewalk repairs/replacement is to try to get the most bang for the buck, and a sidewalk improvement program helps with that. He said his recommendation is for a 50 percent upfront cost share with the match up to a certain amount or a cost share based on linear foot and then consider filling gaps and only focus on one side of the street. He said some of the sidewalks along S. Fifth St will be included in the stormwater work so will be repaired during that construction. Mr. Law said there are three key areas to discuss A) do you want a sidewalk program B) what is the funding threshold and C) what priority is followed.

Councilmember Cook would like to apply for grants and in particular the Safe Routes for Schools grant. Mr. Law said the City received that grant in the past and can look into it again. Mr. Law said since Council has been interested in repairing sidewalks in the older part of town if the S. Third, S. Fifth and S. Broadway corridors would be a focus. Council agreed those areas are good starts. Mr. Law asked if the Council wanted a 50/50 program if grants are not available. Councilmember Town asked about utility issues. Mr. Law said utilities shouldn't pose issues but stormwater might. Councilmember Cook asked what width sidewalks would be. Mr. Law said sidewalks should be 5 ft if replacing an entire block. He believes that would be considered ADA appropriate. Councilmember Vohs asked if 50/50 could be accommodated in next year's budget. Mr. Law said he has flagged potential funding either from Infrastructure Sales Tax or Streets. He said there is about \$100,000 in each fund that could be utilized. Councilmember Vohs said he is in favor of cost share. Councilmember Cook asked about the ARPA (American Rescue Plan Act) funding the City will receive. Mr. Law said Council has previously talked about using that money for stormwater and he isn't sure if ARPA funds can be used just for sidewalks not involved with stormwater repairs. Councilmember Margrave asked what happens if someone doesn't pay their share. Mr. Law said state law says the property owner is responsible for sidewalk condition and repairs, but that the cost may be assessed along with property taxes. Councilmember Cook asked if the property owner could make their own repairs. Mr. Law said they can but by consolidating many sidewalk sections

pricing should be lower. Mr. Law will work on policy to return to Council at a future meeting.

**KDOT Utility Relocation Bids Review & Award:** Administrator Law said three bids for the utility relocation of both gas and water as part of the planned highway improvements west of the K-68/US69 junction were opened during the public bid opening. The low bid was from G-B Construction in the amount of \$200,959.50. Councilmember Cook asked if KDOT reimburses the City. Mr. Law said the City will be reimbursed for a majority of the project. Councilmember Vohs moved, seconded by Councilmember Margrave and carried 4-1 (Harris votes no), to accept the bid from G-B Construction for \$200,959.50.

**City-Owned Property Purchase Offer:** Councilmember Vohs said when the proposed project is a shopping center, we don't know what that is. Mr. Law said we do not, and the only limitations would be primarily regulated by zoning regulations. Councilmember Harris said he likes the green space and doesn't think every square foot of Louisburg needs to be developed. He said there are other areas that could be developed. He is concerned it might become another vacant property. Mr. Law said there is an intended use for the space. Mayor Southard said it would be nice to have more commercial property on the tax rolls. Councilmember Cook asked how buyers might know it was for sale. Mr. Law said Council direction at a previous meeting did not include for any property to be put out for bid. Mr. Law reviewed the process followed so far for city-owned properties. If Council wants to open it up for bid, that needs to be a decision made by the entire council. The current proposal is a targeted retail business and not a speculative property. City Attorney Anderson said some areas of concern could be addressed in the sale including a time limit on getting a business operational. Currently the City has the right to buy back the property if ground has not been broken in one year, he said. Councilmember Cook said she thinks all city-owned property should be advertised for sale. City Attorney Anderson said Councilmember Cook's stated desire would need to go through Council for new direction. Mayor Southard also said the Council would need to be in agreement if it wants to sell any property. Councilmember Vohs asked if Council wants to sell. Mayor Southard said he thinks it would be beneficial to have the property on the tax rolls. Councilmember Harris said sometimes property just needs to remain undeveloped. Councilmember Vohs wants to know when the Council would know what the intended business is. Mr. Law said the City receives comments that it is not promoting economic development, noting the City is one of the few entities with land that could be developed. Mr. Law said the only other use that has been discussed for the property is a recreation center. Councilmember Harris believes

greenspace is a legitimate use for the property. Councilmember Vohs asked if there is a timeframe for a decision. Mr. Law said a decision should be made sooner rather than later. City Attorney Anderson said any developer could research city minutes and see the city has property available. He said councilmembers should approach it not as agents or business owners but making the best decision for the city. Councilmember Town asked if this is denied what does that mean for the future. Councilmember Harris said he was once in favor of selling but has changed his mind. Mayor Southard said parameters could be put in place during a sale to prevent the business from sitting empty. Mr. Law said a vacant property registration, which has been discussed by past councils, could be established but it would be applied uniformly. Councilmember Vohs moved, and Councilmember Town seconded, to sell the city-owned property at the southeast corner of Amity & Metcalf. Councilmember Harris asked if this would come back before the Council. Mr. Law said it would, as this is a preliminary development offer. The motion failed 2-3 (Margrave, Cook and Harris voting no).

**Deannexation of 0.27 Acres:** Administrator Law presented an ordinance for deannexation of 0.27 acres of land located within the City of Louisburg as authorized by the provisions of K.S.A. 12-504. The applicant wishes to purchase the approximate 0.27 acres of land currently part of the 6302 W. 295<sup>th</sup> St and merge it to two neighboring properties that are located outside city limits at 29424 Masters Drive and 29420 Masters Drive. The Planning Commission voted 7-0 in support of this deannexation request. Councilmember Harris moved, seconded by Councilmember Town and carried 5-0, to authorize Mayor Southard sign ordinance 1155 as presented.

**Solar Regulations:** Staff presented Council with an update to the solar regulations saying that Planning Commission made some modifications due to new technology that makes panels less intrusive and would allow for panels to be placed on the street-side roofs of homes. Councilmember Cook asked some questions about the solar on parking lot lights. Mr. Law said he would return to Planning Commission for additional clarification and bring back to Council at a future meeting.

**Wastewater Treatment Plant – Change Order:** Administrator Law presented a change order accounting for weather delays and recommended approval. Councilmember Vohs moved, seconded by Councilmember Margrave and carried 5-0, to approve Change Order #5.

## **COUNCIL REPORTS**

**Councilmember Town:** None

**Councilmember Margrave:** None

**Councilmember Cook:** Councilmember Cook asked if there had been more complaints regarding the burn site. Mr. Hufferd said there has not been any at this time. Cook asked about letters regarding sidewalks on North Broadway. Mr. Law replied that project is still in the design phase and the letters are just gathering feedback from property owners.

**Councilmember Harris:** Councilmember Harris asked if a suspect had been identified for damage to the fields at Lewis-Young Park. Chief Bauer said an individual has accepted responsibility for it.

**Councilmember Vohs:** None

**ADJOURNMENT**

At 9:03 p.m. Councilmember Vohs moved, seconded by Councilmember Margrave and carried 5-0.

Approved:

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Marty Southard, Mayor

Attest:

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Traci Storey, City Clerk