

**CITY OF LOUISBURG, KANSAS
MINUTES OF REGULAR MEETING
SEPTEMBER 8, 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, Sandy Harris, Donna Cook, Thorvald McKiernan, Kalee Smith

City Administrator Nathan Law

City Clerk Traci Storey

City Attorney Kelly Stohs

Police Lieutenant David Sanders

Fire Chief Gerald Rittinghouse

Communications Coordinator Jean Carder

Public Works Supervisor Craig Hufferd

Press

Visitors Jennifer Leikam, Mike McCown, Kiersten Allen, Laura Gray, James Long, Jesse Smith

PLEDGE OF ALLEGIANCE

Councilmember Sandy Harris led the pledge of allegiance.

APPROVAL OF CONSENT AGENDA

Councilmember Thorvald McKiernan asked questions regarding some of the bills. City Administrator Law explained. Councilmember Sandy Harris moved, seconded by Councilmember McKiernan and carried 5-0, to approve the consent agenda to include adoption of the agenda, approval of the regular meeting August 17, 2020 minutes.

VISITORS

Jennifer Leikam event organizer said Halloween on Broadway this year is set for Saturday, October 24th from 4:00 – 6:30 p.m. Leikam asked for permission to block Broadway from K-68 through South 3rd Street. They are taking new measures for the Halloween on Broadway this year. They are asking people to wear a mask, but it will not be mandatory. They are also asking businesses to place the candy in the child's bag to avoid multiple hands touching candy. An hour has been added,

hoping that members of the community will stagger attendance. Leikam asked if the Farmer's Market area could be used, which could help with the flow of downtown foot traffic. Councilmembers were all in agreement to help keep this event going. Councilmember Kalee Smith moved, seconded by Councilmember Donna Cook and carried 5-0, to approve Halloween on Broadway and block Broadway from South 3rd to Amity/K68.

Mike McCown representing the development team at South Trails said they have hired a new HOA management company. There have been multiple parking issues that include cars and trailers with expired tags or no tags. They would like the Council to approve no parking signs on designated streets. Councilmember McKiernan asked what the people that live there think about this. Mr. McCown said they can get 4 cars in each driveway. A member of the audience said that is only for the new construction. Councilmember McKiernan asked if some of the streets were private. McCown said some were private. Councilmembers had discussion. City Attorney Kelly Stohs said she will also look into this and have ready for discussion at the next meeting.

PUBLIC COMMENTS

None

DEPARTMENT REPORTS

Fire Department: Fire Chief Gerald Rittinghouse said the department has been very busy lately. Chief Rittinghouse thanked all the volunteers for all the work they have been putting in.

Police Department: Police Lieutenant David Sander said they have had 12-15 applicants for the Administrative Assistant position. They will start interviewing soon.

City Administrator Nathan Law said that Kiersten Allen is in attendance with a request from the Library. Allen said the Library would like to have movie nights outside and would like to close S. 2nd Street from Broadway to the alley on the movie nights. This would start at 8 p.m. on September 19th & 27th and October 3rd & 10th. Councilmember McKiernan moved, seconded by Councilmember Kalee Smith and carried 5-0, to close 2nd Street on the above dates.

CITY ATTORNEY'S REPORT

None

MAYOR'S REPORT

None

ADMINISTRATOR'S REPORT

Annual STO & UPOC: City Administrator Nathan Law said each year the League of Kansas Municipalities updates both the Standard Traffic Ordinance and the Uniform Public Offense Code. These two documents allow for a comprehensive set of laws to be incorporated by local government to remain consistent with state law. The 2020 editions of each are prepared and ready for implementation. Councilmember McKiernan would like to review these documents before approving. Police Lieutenant Sander commented that these books are aligned to state statutes and can't be changed. Councilmembers had discussion. Administrator Law will order everyone a hard copy to review and return at a future meeting.

Garage Sale Sign Moratorium: City Administrator Law presented the garage sale moratorium ordinance. The following dates allow for garage sale signs to be posted.

September 17, 2020 – October 3, 2020

April 7, 2021 – April 21, 2021

Councilmember Kalee Smith said she would like the Planning Commission to look at garage sale signs again. Smith said since there isn't a local paper and many people don't have Facebook it is difficult to learn about garage sales and thinks it would be nice to be able to have signs. Councilmember Thorvald McKiernan moved, seconded by Councilmember Sandy Harris and carried 5-0, to authorize Mayor Southard to sign Ordinance 1129 allowing for the garage sale sign moratorium.

Wastewater Treatment Plant: City Administrator Nathan Law said staff has been in conversation with project/construction engineers regarding the north pump station site and unsuitable conditions of the planned location. Staff has provided direct information to Councilmembers previously regarding this concern. In staff discussions with contractors, two options were considered: 1) removal of

unsuitable soil and debris at the primary location, or 2) relocate pump station to a secondary location onsite. The secondary location was considered during the design phase, so there are plans available at 60 percent completion. In reviewing the options and costs of relocation, there is significant cost associated with either site options. All things considered, it is more appropriate to utilize the secondary location onsite.

Laura Gray with Lamp Rynearson talked to the Council regarding the change order increases.

Change Order No. 18 – North Pump Station Relocation

- Cost Impact – \$449,069
- Day Impact – 120 days
- Description – The bid documents noted the construction of a pump station at the North Lagoon site in the southeast section of the City-owned property. After a test pit was dug at this location, it was determined that there was construction debris and rubble that presented challenges for construction. The relocation to the northeast portion of City property presented the best opportunity for reducing the possibility of encountering this debris and maximizing Contractor safety.

KDHE noted this area was a previously unregulated City dump site that was present prior to the establishment of the EPA. There were options available for the disposal of the debris, but it became cost prohibitive and was not possible to dispose of on the current lagoon site. Borings were initially taken at the site, but the magnitude of the dump site was not known until KDHE began their investigation. The charges presented are the costs to construct the new facility and the associated deductions from the elimination of the southeast location.

Councilmember Donna Cook said it was always a dumpsite, why is this just now being brought up? Councilmember Smith, McKiernan and Cook said this is way too much money. Gray told the Council they have looked at every angle to find a way to save as much money as possible, but this can't be helped. This project has to keep going. Councilmember Smith and McKiernan said it doesn't have to keep going we can stop the project. They would like to send it back to the contractor and get better pricing. Gray mentioned that this is now into the principle forgiveness portion of the SRF funding. Councilmembers had discussion. Mayor Southard asked if Gray could talk to the contractors more and bring back information. Gray said she will try again and return to the next meeting.

Dangerous and Unfit Structure – 508 North 6th Street: The City has received multiple complaints concerning the residential dwelling located at 508

North 6th Street, Louisburg, Kansas. City Staff has communicated with the property owner regarding the structural condition of the above-mentioned single-family dwelling. The City has provided the property owner written notification that includes a comprehensive list of structural defects associated with the dwelling. Structural defects include, but are not limited, to:

1. The entire roof system is beyond repair. Large holes are visible in the system causing water to funnel into the residential structure. Extreme water damage is suspected within the walls and floor structure. Wood rot is noticeable throughout the structure. It appears that this wood rot has damaged the structural stability of the home.
2. The room addition located at the rear of the structure is rotted and is caving in. This addition is structurally unsound and considered a safety hazard and is dangerous to enter. The owner stated this addition contains the only restroom in the structure.
3. The front porch has severe wood rot and needs to be removed and/or replaced.

After extensive review, the Public Officer has designated this dwelling as a dangerous, unsafe, and unfit structure for human habitation in accordance with paragraph 8-804, article 8, Dangerous and Unfit structures, of the City Code. The Governing Body may take the following actions as outlined in the City Code:

1. The Governing Body shall, by resolution, fix a time and place at which the owner, the owner's agent, any lienholder of record and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished.

- (a) The resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing.

- (b) A copy of the resolution shall be mailed by certified mail within three days after its first publication to each owner, agent, lienholder, and occupant at the last known place of residence and shall be marked "deliver to addressee only." If, after notice and hearing, the Governing Body determines that the structure under consideration is dangerous, unsafe or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause the resolution to be published once in the official city newspaper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the

owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the Governing Body will cause the structure to be repaired or razed and removed. (K.S.A. 12-1753; Code 2020)

If, within the time specified in the order, the owner fails to comply with the order to repair, alter, improve or vacate the structure, the public officer may cause the structure to be repaired, altered, improved, or to be vacated and closed.

If, within the time specified in the order, the owner fails to comply with the order to remove or demolish the structure, the Public Officer may cause the structure to be removed and demolished. The cost to the City of any repairs, alterations, improvements, vacating, removal, or demolition by the public officer, including making the site safe, shall be the responsibility of the property owner.

James Long owns the home and said the home is structurally sound. When asked if he has had a structural engineer check it he said no. He knows this house well and knows it is sound. He has had medical issues and that is why it looks like it does. He does have a contractor coming to provide a bid to fix the roof and porch. The yard will get mowed and one car got tagged and the other is being sold to a local tow company. He just needs a little more time to get it all done. Councilmembers had discussion. Jesse Smith with the Ministerial Alliance said they have also been in contact with the homeowner and they are exploring whether that group can assist the homeowner in making repairs to the home.

The Council decided to give the homeowner until Nov. 2 to make or at least start on the necessary repairs. They would like the homeowner to return to that meeting and provide Council with an update but to also communicate with Staff about the progress of the work between now and then.

North Broadway Sidewalk Planning Proposals: As requested by Council, staff advertised and sought out proposals for engineering work for new sidewalk along N. Broadway Street from Amity to N. 9th Street. The following is a summary of the proposals received. Attached with this memorandum for Council consideration is a hard copy of the four proposals. Electronic copies will be made available for public viewing should a request be received.

Company	Price	Years in Business
SK Design Group, Inc.	\$31,750	31
CFS Engineers	\$44,713	59

SWT Design	\$104,500	25
SMH Consultants	\$64,257	31
Lamp Rynearson	\$79,600	70

Financial Consideration: Design costs to be paid for out of Infrastructure Improvement Sales Tax Fund.

Councilmembers had discussion about which side of the street the sidewalk would go on based on the submittals. Councilmember Cook doesn't want it on the west side. After discussion Councilmember McKiernan moved, seconded by Councilmember Harris and carried 4-1, (Cook voting no) to approve SK Design Group to complete the design work for a sidewalk on the west side of N. Broadway from Amity to N. 9th and along Amity from N. Broadway to the Dollar General property in the amount of \$31,750.

Baseball Field A fencing: Staff has solicited bids to continue work at Lewis-Young Park as part of the Kansas Department of Parks, Wildlife & Tourism grant which was awarded to the city earlier this year. One of the projects to be completed as part of this grant is to replace fencing, including the outfield, foul line and the back stop on A Field. As a reminder, the City will pay for the project upfront and then will be reimbursed for half of the project costs once it is complete.

Staff received 2 bids for this project:

Chris Burge Fence and Iron, Inc.	\$67,100
Perfect Fence	\$74,393

Staff recommends City Council accept the low bid from Chris Burge Fence and Iron, Inc. This firm recently replaced the fencing on both B and C Fields at LYP.

Councilmember McKiernan asked why staff had only received two bids. Public Works Supervisor Hufferd said he sent it out to about 9 or 10 firms and only received the two bids. Councilmember Steve Town moved, seconded by Councilmember McKiernan and carried 5-0, to accept the Chris Burge Fence bid in the amount of \$67,100.

Vacant Property Registration: City Administrator Nathan Law said at a recent Council meeting it was brought up about taxing properties for remaining vacant. In 2017 staff looked into the ability to place some form of tax against an unused property, but noted the lack of state and county legal authority/allowance for

doing so. In review of information of vacant properties as a follow-up to the recent meeting, staff reviewed a section within the Kansas Legislator Briefing Book from 2019 regarding Addressing Abandoned Property Using Legal Tools. In that section it is noted that vacant property registration has been incorporated in the Unified Government of Wyandotte County and Kansas City since early 2018. Staff reviewed Unified Government's ordinance adding vacant property registration to nuisance code enforcement section. From that review, staff has compiled draft ordinance language for Council to review.

Councilmembers had discussion and don't wish to take any action.

COUNCIL REPORTS

Councilmember Smith: Councilmember Smith asked what the rules are on political signs. Administrator Law said he would get the information and send out to all councilmembers.

Councilmember Cook: Councilmember Cook wanted to thank City Administrator Law and Finance Director McQueen for their time looking through and discussing the budget information.

Councilmember Sandy Harris: Councilmember Harris said he attended the Fox Hall Board meeting. Items discussed included it was a busy month in August, renters are doing a good job cleaning up, the electric bill is high, but it is summertime and the door unlock/lock system is working well.

Councilmember Harris asked if there was a simpler way to compare proposals. City Administrator Law said we have a very detailed list of quantities and timing. Councilmembers had discussed what they wanted to see in a proposal and that is what we ask for.

Councilmember McKiernan: Councilmember Thorvald McKiernan asked if the City was now responsible for the stop light at Amity and 69. Administrator Law said yes, adding he is also in discussion with KDOT that the agency is modifying the speed limit on Amity from the west city limit to where the speed limit drops near the cemetery.

Councilmember Cook asked about mapping of easements. Law said he is hoping to find an intern to take on this project.

ADJOURNMENT

At 8:19 p.m. Councilmember Thorvald McKiernan moved, seconded by Councilmember Sandy Harris and carried 5-0, to adjourn the meeting.

Approved:

Marty Southard, Mayor

Attest:

Traci Storey, City Clerk