

**CITY OF LOUISBURG, KANSAS
MINUTES OF REGULAR MEETING
SEPTEMBER 21, 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. Councilmember Donna Cook was absent.

Council Members Steve Town, Sandy Harris, Thorvald McKiernan, Kalee Smith
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 Craig Hufferd
Visitors Laura Gray, Jon Shellhorn

PLEDGE OF ALLEGIANCE

Councilmember Sandy Harris led the pledge of allegiance.

APPROVAL OF CONSENT AGENDA

Councilmember Sandy Harris moved, seconded by Councilmember Thorvald McKiernan and carried 4-0, to approve the consent agenda to include adoption of the agenda, approval of the regular meeting September 8, 2020 minutes.

VISITORS

None

PUBLIC COMMENTS

None

DEPARTMENT REPORTS

Fire Department: Fire Chief Gerald Rittinghouse said they are getting bunker gear quotes. The current gear is aged and very well worn. Rittinghouse said they have had over 200 plus calls so far this year, and we have not had a grass fire season yet. Fire Prevention will be the middle of October for the schools. It will probably look a little different than in past years.

Police Department: Police Chief Tim Bauer said back on August 28, 2020 full-time Police Records Clerk and Administrative Assistant Debbie Long retired from the Police Department.

While a hiring process is underway to fill the vacated position, there will be a transitional and learning period for the individual hired into the position. During the hiring process, a well-qualified candidate was identified, but was unable to take the full-time position at this time. The candidate, Marjorie Fisher, stated she would be willing to work in a part-time position (10-15 hours a week) to assist with the department's needs and assist the full-time clerk/assistant when hired.

Marjorie "Marge" Fisher has worked full-time for the Overland Park (KS) Police Department for the last 24 years, and has experience in the areas of Police Records Management, Human Resources, and Property and Evidence Control.

The Louisburg Police Department is requesting authorization to hire Marjorie Fisher as a part-time Police Records Assistant to continue to meet the demands of the Police Department's records management operations and requirements. If authorized, the part-time position would be re-evaluated in six months from the hire date, to determine its effectiveness and cost. Councilmember Steve Town moved, seconded by Councilmember Kalee Smith and carried 4-0, to accept the hiring of Marjorie Fisher as a part-time Police Records Assistant, reviewable in 6-months at pay scale grade 2-4A.

CITY ATTORNEY'S REPORT

City Attorney Kelly Stohs said she has looked into the request for no parking signs at Southtrails. Section 91 of the Standard Traffic Ordinance – Parking on Narrow Streets: The Chief of Police is authorized to erect signs indicating "no parking" upon both sides of any street when the width of the roadway does not exceed 20 feet, or upon one side of a street when the width of the roadway does not exceed 30 feet.

MAYOR'S REPORT

None

ADMINISTRATOR'S REPORT

Annual STO & UPOC: City Administrator Nathan Law said this item was tabled from the last meeting to allow Council time to review updated editions of both documents. As stated last time, 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. At the last meeting Councilmember McKiernan asked if they could have an electronic copy to look at. After reviewing the information, Councilmember McKiernan said he would like 3 sections excluded from the UPOC Code. These sections are as follows:

Sec. 10.29 Violation of a Public Health Order

- (a) It shall be unlawful for any person to violate, refuse, or fail to comply with, a written order of the County Health Officer, Board of Health, or Director of Health issued under their respective authorities.
- (b) A violation of this section is a Class C violation.

Sec. 10.13 Barbed Wire – It shall be unlawful for any person to construct, set up or maintain any barbed wire or barbed wire fence or enclosure within the city.

Violation of this section is a Class C violation.

Sec. 5.7 Selling, Giving or Furnishing Cigarettes or Tobacco to a Minor:

- (a) It shall be unlawful for any person to:
 - (1) Sell, furnish or distribute cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age or
 - (2) Buy any cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age

(b) It shall be a defense to a prosecution under this section if:

- (1) The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples;
- (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person under 21 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes, or tobacco products to the person under 21 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes or tobacco products and;
- (3) To purchase or receive the cigarettes, electronic cigarettes, or tobacco products the person under 21 years of age exhibited to the defendant a driver's license, Kansas non driver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes, electronic cigarettes, or tobacco products.
- (4) For purpose of this section the person who violates this section be the individual directly selling, furnishing or distributing the cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual or both.

(c) It shall be a defense to a prosecution under this subsection if:

- (1) The defendant engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, or tobacco products by mail, and
- (2) The defendant sold, furnished or disturbed the cigarettes, electronic cigarettes, or tobacco products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601 and amendments thereto, that the person was 21 or more years of age.

(d) As used in this section, **sale** means any transfer of title or possession or both, exchange, barter, distribution or gift of cigarettes or tobacco products, with or without consideration.

(e) Violation of this section shall constitute a Class B violation punishable by a minimum fine of \$200. (K.S.A. 79-3322)

Councilmember Smith said she would also like the opportunity in the future to review the summary of changes in the codes. City Administrator Law said that would not be a problem. Councilmember McKiernan moved, seconded by Councilmember Smith and carried 4-0, to exclude these from the UPOC Code. The ordinances will be available at the next meeting for adoption.

Wastewater Treatment Plant – North Pump Station Change Order-Continued: City Administrator Nathan Law said at the last meeting council directed staff to continue to work with project/construction engineers regarding the north pump station site conditions and change order presented at the last meeting. Staff has been in communication regularly over the last two weeks with engineers about the change order and pricing therein.

Jon Shellhorn with Lamp Rynearson gave a presentation regarding the North Pump Station. Councilmember Smith said she talked to someone at Foley Equipment and their equipment rental prices are half the cost of what these are. Councilmember McKiernan said the pay rates are almost \$60,000 more. Shellhorn explained how the rates and equipment were bid and within the guidelines. Councilmembers had a lengthy discussion. Councilmember Steve Town moved, seconded by Councilmember Sandy Harris, to accept the change order. The vote was 2-2, (Smith and McKiernan voting no). Mayor Southard cast a yes vote to break the tie and accept the change order as presented.

Lewis-Young Park Field A lights: Staff presented bids for lights on A field as part of the Kansas Department of Parks, Wildlife & Tourism grant project at the park. This work will include lights, poles and wiring.

The bids presented included:

Capital Electric

HID lighting	\$254,132 (Musco metal poles)
LED lighting	\$292,467 (Musco metal poles)
HID lighting	\$186,160 (metal poles & less than 5 years old used HID lights)
HID lighting	\$96,120 (wood poles & less than 5 years old used HID lights)

Brandy Electric

LED lighting	\$266,050 (Musco metal poles)
HID lighting	\$230,570 (Musco metal poles)
LED lighting	\$165,500 (Qualite metal poles)
HID lighting	\$144,500 (Qualite metal poles)

Councilmember McKiernan asked if this was posted to Facebook. Public Works Supervisor Craig Hufferd said it had been posted earlier. McKiernan said LED lighting would be the best option. Councilmembers had discussion. Councilmember McKiernan moved and seconded by Councilmember Harris to approve the bid from Brandy Electric's bid of \$165,500 for Qualite poles and LED lighting.

COUNCIL REPORTS

Councilmember McKiernan: Councilmember McKiernan wanted it noted that election signs can be out 169 days before an election.

Councilmember Sandy Harris: Councilmember Harris said Park & Tree Board member Jack Kline predicted at that group's meeting last week that in two weeks fall colors will be evident. Harris asked more about the parking at Southtrails. Councilmember Smith said residents are not happy that this could happen.

Councilmember Kalee Smith: Councilmember Smith said she received a phone call from a resident in Summerfield on N. 3rd St. East who is unhappy with the street parking situation. The no parking signs are on one side and the fire hydrants and mailboxes are on the other. The resident's son has to park all the way at the end of the street. It is very limited parking. Smith asked if the no parking signs could be on the same side as hydrants and mailboxes. City Administrator Law said he would take a look at it. Fire Chief Rittinghouse said the addition of the no-parking on one side of the streets in the subdivision has helped with fire trucks and emergency vehicles getting through.

Councilmember Steve Town: Councilmember Town asked if a structural inspection of the interior of the home at 508 N. 6th would occur. Administrator Law said not at this time, but is recommended.

ADJOURNMENT

At 8:00 p.m. Councilmember Harris moved, seconded by Councilmember McKiernan and carried 4-0, to adjourn the meeting.

Approved:

Marty Southard, Mayor

Attest:

Traci Storey, City Clerk