

**CITY OF LOUISBURG, KANSAS
MINUTES OF REGULAR MEETING
OCTOBER 7, 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 Lee Baer, 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
Press Doug Carder

Visitors Andy Nowachek, Phil Dixon, Tabitha Pendleton, Anna Maria Huntsman, Craig Holtzen, Andy Hill, Greg Pfau

PLEDGE OF ALLEGIANCE

Councilmember Thorvald McKiernan led the pledge of allegiance.

APPROVAL OF CONSENT AGENDA

City Administrator Nathan Law added item 10G – Stormwater Priority Project. Councilmember Sandy Harris moved, seconded by Councilmember Lee Baer and carried 5-0, to approve the consent agenda to include adoption of the agenda, approval of the September 16, 2019, minutes and bills list.

VISITORS

Andy Nowachek representing the Farmer's Market thanked the City for another great year. This was the 17th year for the market. Nowachek presented the City \$100 to say thank you for the use of electricity, portable restroom and waiving the permit fee. Big thanks also to Rusty Whitham for always helping with anything they may need. They look forward to many more years of a great market.

County Commissioner Phil Dixon presented information regarding the renewal of a county-wide ¼ cent sales tax. Dixon is asking for support from the Governing Body in efforts to keep the tax. In this past this has helped fund many projects in Louisburg. Councilmember Steve Town moved, seconded by Councilmember Thorvald McKiernan and carried 5-0, to adopt a Resolution in support of the ¼ cent sales tax renewal.

Tabitha Pendleton and Anna Marie Huntsman of 307 S. 7th talked to the Council regarding the flooding of their property during heavy rains. The water on the west side of Peoria needs fixed, water flow from the church parking lot needs rerouted, the erosion and settling in their front yard needs taken care of. The owners understand they are not a top priority, but would like if the City could come out and look and come up with a solution. Councilmembers agreed they would come to look during the next rain.

Craig Holtzen told the Council that the golf course is an economic opportunity for Louisburg. The golf course has hosted many charitable events that have helped fund many scholarships for local students. He said there also are donors in town that are willing to help financially as well. Holtzen said before making a decision please think about how the golf course has helped the Community.

Andy Hill said the golf course could be even more than what it is now. There could be children and adult golf lessons, the clubhouse could be used for graduation or social events. Having the golf course helps economic development when people stop and eat, fill their tanks with gas or stop by a local park. If the golf course is taken away, we may find people not wanting to live in this community. The money raised by many fundraisers stays in Louisburg. He hopes the City will reach out at this opportunity.

PUBLIC COMMENTS

Donna Cook asked about the status of the stormwater drain behind Sonic. City Administrator Nathan Law said the line is clear and it is on a list of projects.

Julie Bailes asked for clarification of a certified letter she received regarding the property next to Auburn.

DEPARTMENT REPORTS

Fire Department: Fire Chief Gerald Rittinghouse said this is fire prevention week. They will see around 340 children during the visits to the local schools. The Forestry Service has donated radio straps for the Fire Department.

CITY ATTORNEY'S REPORT

None

COUNCIL REPORTS

Councilmember Harris: Councilmember Sandy Harris asked what is going on with the lot next to Napa and said he is concerned with erosion that might be taking place on the property. City Administrator Nathan Law said he will reach out to the owner and look at the area.

Councilmember Baer: Councilmember Lee Baer thanked Mayor Southard and Chamber Director Becky Bowes for representing Louisburg last week on the Zip Trip on Channel 4.

Baer asked for an update on the new Casey's. Administrator Law said the delay has been on their end.

Councilmember Baer asked if the S. First and S. Vine project could move up and replace the project at N. Third and N. Broadway due to the delay in that project. Councilmember Thorvald McKiernan said that is a great idea. Councilmember Lee Baer made a motion to move the S. First and Vine project up to the second priority on the Stormwater Project. Councilmember McKiernan would like to amend and add the project at S. Ninth and Rogers if possible. Councilmember Baer amended his motion to include S. Ninth and Rogers. Councilmember Kalee Smith seconded and carried 5-0. Councilmember Town asked what happens to if there isn't money available at that time for the S. Ninth and Rogers project. Administrator Law said it would be evaluated at that time.

Councilmember Smith: Councilmember Kalee Smith asked what we could do about the feather sign request. Planning Commission did not want to change anything on this. Councilmembers had discussion. Councilmember Lee Baer will talk to the Planning Commission regarding the feather signs.

Councilmember Town: Councilmember Steve Town thanked Officials for not forcing the Luke Bryan concert at an alternative venue last week. Town said when they reschedule they should have a Plan B.

MAYOR'S REPORT

Mayor Marty Southard asked the Council if the City should consider changing the legal age to purchase tobacco to 21. Other cities including Paola have already made the change to 21. Councilmember McKiernan said if they could serve our country and legally vote they should be able to buy tobacco. Councilmember Smith stated if they want it, they would get it. Council declined to take action.

ADMINISTRATOR'S REPORT

Metcalf Ridge Golf Course – City Options: City Administrator Nathan Law said at the last meeting staff provided Council estimated five-year budgets for either an 18-hole golf course or a 9-hole golf course. Those budgets focused on the expenditure side and was stated that capital outlay and a gap in operations costs versus revenue accounted for a significant investment by the City in order to have the course playable and attractive to return membership. A lesser degree of the expenditure side was debt service payments for either option. In the time since the last meeting staff has sought out funding considerations to offset certain aspects of the five-year budget projections.

Staff sought out commitments from various taxing and private groups for annual operations of a full course. The return commitments total \$55,000/year for the foreseeable future. This is comprised of \$10,000 from USD 416, \$35,000 from Louisburg Recreation Commission and \$10,000 from neighboring residences.

Staff met with a representative of a golf course management company to discuss potential of the revenue side of a golf course, and to review the current course conditions. From this discussion, staff believes it is a possible to see revenue come, within reason, close to operations expenditure. Capital improvements costs will still fall outside of the operations side, and will likely not be returned by operations revenue in the short-term. Most course equipment was sold adding a significant initial or short-term replacements cost. Current estimated equipment cost is \$710,000 to purchase, \$115,000/year for seven years to lease-purchase, or

possibly less annually to simply rent equipment. Cost to lease golf carts is estimated at \$68,000/year, or a higher price for lease-purchase after five years.

Staff presented an updated budget including on the revenue side: transfers in support of operational revenues, additional funding commitments, and a possible initial capital donation. On the expenditure side is: capital outlay costs for infrastructure improvements, operational expenses, and vehicle/equipment lease pricing.

Financial Consideration; In reviewing the various aspects of this information, it appears that the City, even without including property purchase price (debt service), will take reprioritization of available funding streams.

Administrator Law asked is the Council interested in purchasing the golf course. It was asked if there was time to sit down with those that would like to help donate. Administrator Law said time is running out as the condition of the course is getting worse and the property owner needs to make a decision on what to do with the property. Councilmember Thorvald McKiernan said the City should not spend money on the golf course, but rather fix the stormwater issues. Councilmember Baer asked what we would not be getting if we purchased the golf course. Administrator Law said these funds may be repurposed from existing reserves yielded by the previously dedicated sales tax for aquatic center debt payments, infrastructure improvements sales tax that currently sunsets in 2029, or redirecting general fund sales tax or revenue and budget authority. If the golf course was acquired it would be under the Park and Tree Board. City Attorney Stohs asked if the owner knew of someone that would be interested in purchasing. Administrator Law said he can't speak on behalf of the owners, but if they are in attendance they can address that question. Administrator Law said if the Council would like to go into an executive session to discuss the purchase of the course they could do so. Councilmember Steve Town moved, seconded by Councilmember Kalee Smith and carried 5-0, to go into executive session with Administrator Law attending to for discussion prior to acquisition of real estate, pursuant to K.S.A. 75-4319(b)(6), for 15 minutes. City Attorney recused herself from the discussion.

EXECUTIVE SESSION

The Council recessed into executive session at 7:51 p.m. and reconvened at 8:06 p.m.

REGULAR SESSION

Councilmember Sandy Harris moved, seconded by Councilmember Steve Town to ask staff to pursue interest in operations for the golf course. Councilmember Lee Baer asked if this would obligate the City. Administrator Law said no it would be for funding operation. Councilmember McKiernan asked if we are liable for the infrastructure. Law said that would be authorized in the budget. Motion failed by a vote of 2-3, with councilmembers McKiernan, Smith and Baer voting no.

Solar Panel System Design Standards – Zoning Regulations Update: Last month Council returned solar panel standards to Planning Commission requesting specific changes and reconsideration of three sections. Planning Commission discussed the sections highlighted by Council and made two section changes and opted to leave fence height language the same as previously provided to Council. Planning Commission voted unanimously by those present at the September 25, 2019, to move forward with the recommendation. City Administrator Law presented an ordinance amending City of Louisburg Zoning Regulations of 2010 to include the section for Solar Panel System Design Standards. Councilmember Thorvald McKiernan moved, seconded by Councilmember Kalee Smith and carried 5-0, to authorize the Mayor to sign the ordinance.

Downtown Pavilion Conceptual: Greg Pfau representing McClure presented design options for the open area next to the historic water tower. Some of the options are hard covers vs soft covers. Councilmember Town asked if there is a warranty on soft covers. Pfau said the warranty is a 10-year warranty. Councilmember Sandy Harris asked if Andy Nowachek had any opinions since he runs the Farmer's Market. Nowachek said the nicest market around is in Merriam and it has the hard top. If there were a place where vendors could just back up and unload, that would be wonderful. This item would be budgeted for 2021.

City Code: City Administrator Nathan Law said staff has been working with Citycode Financial LLC & Ranson Financial Group LLC to update the City's Code. The new Code is ready to be approved. Councilmember McKiernan would like to see this item tabled so he has more time to review it. Councilmember Thorvald McKiernan moved, seconded by Councilmember Steve Town and carried 5-0, to bring back the City Code at the next meeting.

N. 3rd & Metcalf Slope Concern: At the last Council meeting staff was asked to review the slope design for a section of the recently completed sidewalk

on N. Metcalf. In review of the project design, that area was designed as a not to exceed 3:1 slope. The current slope meets that intended design.

Staff was also asked to bring back costs estimates to make additional adjustments to the current slope to return to previous slope. Aside from the temporary easement expected of the property owner to allow for the City to conduct work on private property, the City has sought a rough estimate from a local construction company for a set quantity of dirt and adjusting slope from 3:1 to 4:1. The estimate for this work is \$10,300 lump sum for placing dirt. Separately it is estimated to take approximately \$1,500 worth of seed and erosion control matting to establish grass cover for that area. Councilmember McKiernan asked if we could add 4 inches over the existing sidewalk. Councilmembers had discussion. Councilmember Lee Baer moved, seconded by Councilmember Thorvald McKiernan and carried 5-0, to table this item for the next Council meeting.

2019 Crack Seal Bid: Administrator Law said staff received one bid for the crack seal work. The RFP was sent out to eight companies for bid. This project is for half of the city roads and other half will completed next year. The G-B Construction LLC bid is \$33,000.00. Councilmember Steve Town moved, seconded by Councilmember Lee Baer and carried 5-0, to accept the bid from G-B Construction LLC in the amount of \$33,000.00.

Stormwater Priority Project: At the last meeting, Council initiated an eminent domain process for one of the first two priority stormwater projects included with the Louisburg Stormwater Master Plan. Since that time staff has met with land attorney and property owner and has received signed easement and temporary easement documents. The next step of the process is to consider placing for public bids the individual project, unless Council determines to wait for the remaining priority project to secure easements and bid collectively. It is not known at this time if there are project savings to be had from bidding the projects together, but experience lends itself to some amount of savings on construction mobilization for multiple projects.

Additional consideration should be paid to the cost of having stormwater planning firm, Olsson, oversee the bid process and update the bid documents to include only this one project. There is also consideration that should be paid to hiring Olsson or bidding out construction administration on one or both stormwater projects.

Financial Consideration: It is estimated to cost \$6,300 to amend bid documents and utilize an outside firm for the bid process. An estimated cost for construction administration and oversight on a regular basis, which does not include a full-time onsite inspector, will be provided for consideration at a later date. Councilmember Thorvald McKiearnan moved, seconded by Councilmember Lee Baer and carried 5-0, proceed with the cost of \$6,300 to amend bid documents with Olson.

Councilmember Thorvald McKiearnan moved, seconded by Councilmember Sandy Harris and carried 5-0, to have staff send requests for third party for inspections.

Councilmember McKiearnan asked where we are on the building code process. Administrator Law said they are in the process.

ADJOURNMENT

At 8:51 p.m. Kalee Smith moved, seconded by Councilmember Thorvald McKiearnan and carried 5-0, to adjourn the meeting.

Approved:

Marty Southard, Mayor

Attest:

Traci Storey, City Clerk