

**CITY OF LOUISBURG, KANSAS
MINUTES OF REGULAR MEETING
OCTOBER 21, 2019**

The Council of the City of Louisburg, Kansas, met at 6:30 pm in the regular session in the City Hall Council Chambers. Mayor Marty Southard presiding.

Council members: Steve Town, Kalee Smith, Lee Baer, Sandy Harris,
Thorvald McKiernan.

City Administrator: Nathan Law

City Clerk:

City Attorney:

Police Chief: Tim Bauer

Fire Chief: Jerry Rittinghouse

Communications Coordinator: Jean Carder

Public Works Supervisor: Craig Hufferd

Press: Doug Carder

Visitors: Edgar Phillips

PLEDGE OF ALLEGIANCE

Councilmember Steve Town led the pledge of allegiance.

APPROVAL OF CONSENT AGENDA

Councilmember Sandy Harris moved, seconded by Councilmember Thorvald McKiernan and carried 5-0 to approve the consent to include adoption of the agenda, approval of the Oct. 7, 2019, minutes and bills list.

PUBLIC COMMENTS

Edgar Phillips asked about the status of the wastewater treatment plant, asked if there were any additional grant funding for the plant, and asked about the low-interest loan as mentioned in recent newspaper coverage. Administrator Nathan Law said there is no additional funding from any governmental agency at this point besides what has already been received. Once the plant is in operation, City staff will have a better idea of cost to operate. Mr. Phillips asked about sewer rates and asked about lowering the rates. He said it seems like we got a pretty good rate from loan forgiveness that reduces the cost of the plant from about \$12 million to \$8 million. Councilmember Kalee Smith clarified with Mr. Law that the original plan was to have yearly rate increases to help fund the

plant but because of the loan forgiveness from the state the last rate increase didn't need to happen. Mr. Law indicated that was correct. Mr. Phillips also asked if City staff was familiar with MARC, if the City was involved in MARC and indicated that he thought MARC was a suspect organization. Mr. Law said he serves on the MARC Total Transportation Policy Committee. Councilmember Baer also said he attends MARC meetings as part of his regular employment.

DEPARTMENT REPORTS

Police Department: Chief Bauer said this Saturday his department will host the DEA Prescription Take-Back Day at the station from 10 a.m. to 2 p.m. to allow residents to drop off unwanted prescriptions and over-the-counter medications. Chief Bauer said this has been a successful program collecting between 50 and 90 lbs. of drugs at each event since the department started hosting the program.

Fire Department: Chief Rittinghouse had nothing to report.

Public Works: Supervisor Craig Hufferd had nothing to report.

Administration: Mr. Law asked council to consider having a special meeting to discuss administrator goals. Mayor Southard asked councilmembers to send a couple available dates for the next two weeks to Mr. Law to determine a meeting date.

COUNCIL/COMMISSION REPORTS

Councilmember McKiernan: Councilmember McKiernan asked if city staff has looked at the S. 7th and Elm stormwater issues. Administrator Law said staff has looked at this area several times in the past but not during the rain that occurred the previous night. Councilmember McKiernan said it appears the ditch was cut off when the church parking lot was built and perhaps that should be addressed. He thought if that area could be cleaned out it may help the water situation going across the road. Staff will look into it. Councilmember McKiernan asked if the various detention basins around town could be examined to see if they are functioning as they should. Administrator Law said that is a possibility. Mr. McKiernan thinks the pond near Harvest Glen is in need of attention. He also asked if we should review landscape and site plans of past projects to be sure those projects are being maintained as approved. If owners aren't interested in renting a property, at least they should be required to keep up the landscaping. Mr. McKiernan said he received a call from someone concerned about the public Wi-Fi at City Hall and that the Wi-Fi seems to operate too far from the building. He asked if there

could be a secure website where a person must log in get a password to log into the public Wi-Fi. He also said it might be a good idea to have a lock on some web pages. Councilmember McKiernan also said there is nothing in City Code about illegal dumping and suggests something be added to Code to address illegal dumping at the burn site since quite a bit of work has been done there. Chief Bauer said illegal dumping is handled through the UPOC and the police department has cited some persons with illegal dumping using the UPOC. Councilmember McKiernan would like to see a stiffer fine for illegal dumping perhaps \$200 or more. He said the new security cameras at the site should help deter illegal dumping.

Councilmember Harris: Councilmember Harris said there is a light pole down at entrance into Lake and can KCPL be notified. Mr. Hufferd said Everygy, the newly renamed KCPL, has already been notified. Mr. Harris said there is also a pole on Danford Drive that appears to have been hit and is leaning. Mr. Hufferd said Everygy knows about that pole too. Mr. Hufferd said he would follow-up with the electric utility to see when those poles might be fixed. Councilmember Harris said he has heard from folks that like the aeration project at the Lake. He thanked City staff for pursuing the grant and thinks the new project will make the lake healthier.

Councilmember Baer: Councilmember Baer would like to resume discussion of the golf course. He said at the last meeting a motion was made to direct City staff to continue efforts to pursue acquiring the course. He said at that meeting it was estimated the cost to the City would be \$1.4 million over 4 years and he wasn't willing to support that. Councilmember Bauer said he would like to discuss a number that the City could support and get that effort rolling. Mr. Baer would like to see the cost in the \$100k range and cap it at 5 years. Councilmember Town said he would like to keep negotiations open that "it's worth something to us." Councilmember Kalee Smith asked if Council would need to look at budget to do that. Administrator Law said he reported at the last meeting staff indicated where additional funds for the course could come from but at that meeting City staff was looking at a much larger number to support the course. With a lower budget number, Administrator Law said staff would look at sales tax rather than reduce other budget line items with one tax being the infrastructure improvement sales tax and the other being the sunsetting pool tax. Councilmember Baer asked how much money those taxes would provide. Administrator Law said currently it's about \$450,000. He said in the early years of the pool tax the number was lower but as the community has grown so has the funds provided by the tax. Since the debt service at the pool is paid, the Park & Tree Board has been looking at other projects at either the aquatic center or other parks. Mr. Law said the Park & Tree Board is currently in the midst of a Master Parks Plan review. Mayor Southard reminded councilmembers that someone who voted in opposition of the vote to continue golf course discussions at the last meeting would need

to make a new motion to continue those discussions. Councilmember Smith asked what the timeline was. Mayor Southard said he thought we had to decide something at the last meeting. Councilmember Baer said since the last meeting nothing has happened at the course except a few fence points. Councilmember Baer said there is interest in saving the course but someone has to take the first step. Councilmember Smith asked if we aren't just going in circles and said she thought someone would have said at the last meeting if they were willing to provide funding. Administrator Law said at the last meeting he couldn't say if there were persons willing to come up with the purchase price and cost of operations. Administrator Law said there would have to be some kind of security to set up operations. Councilmember Smith said the course isn't a viable business anymore. Administrator Law said there would have to be something in place that commits funding each year. He reminded Council that this Council can't require future Councils to take on that cost and that each year the Council would have to approve the operating budget. The land could be set up similar to Circle Grove School and if the City decided not to support the course, it would revert to owner(s) of the property. Councilmember Smith asked if all money would be diverted. Administrator Law said anything could be pared back and that is what Park and Tree Board is doing now with the Master Parks Plan by setting priorities. Councilmember Baer said this would give staff the opportunity to put something together. Administrator Law said staff would have to work quickly but this is the first step. Councilmember Baer made a motion willing to obligate up to \$100,000 for a 5-year period to keep the golf course. Councilmember McKiernan seconded. Councilmember Smith asked to clarify if this vote was to look into the possibility of acquiring the course. Councilmember Baer said yes. Councilmember McKiernan said if we can spend that and save the golf course that would be great. Motion passed 5-0.

Councilmember Smith: Councilmember Smith had no report.

Councilmember Town: Councilmember Town asked if the City will continue to offer limb pick-up. Administrator Law said we have done a pick-up and are planning to do additional pick-ups on a semi-regular basis with the next one being in the spring. Councilmember Town asked if the dumpster recently moved at the Ironhorse building site can be relocated because of sight issues. Administrator Law said he and Chief Bauer have spoken about it but Chief Bauer hasn't had an opportunity to contact the contractor yet. Mr. Town reminded councilmembers this Saturday night is the LHS band electrical light show with fireworks following the band performance. Administrator Law said from a staff perspective there are no problems with this event. Mr. Town said fireworks have been part of the show for about 12 years and the performance is a few years older than that.

MAYOR'S REPORT

Mayor Southard had no report.

ADMINISTRATOR'S REPORT

Enacting 2019 10-year Sales Tax: Administrator Law said this ordinance enacts the sales tax as approved by voters last November. Councilmember Town moved to publish the approved ordinance. Councilmember McKiernan seconded. Motion passed 5-0.

Louisburg City Code – Continued: Administrator Law thanked Councilmember McKiernan for his review and comments on the Code. If there are no any other comments or concerns, Council could move forward with approving Code, Mr. Law said. He said there are some things that might need to be amended in the future. There is now an online version so it is much easier to make corrections. Once every year a new version is printed with all updates. Councilmember McKiernan would like to clean it up and wait to approve after all changes are made. Councilmember Harris said he wouldn't mind waiting to approve later. Councilmember McKiernan moved to table and have staff bring back changes. Councilmember Smith seconded. Councilmember Harris asked if staff wants changes prior to approval. Administrator Law said yes, absolutely. Motion passed 5-0.

N. 3rd & Metcalf Slope Concern – Continued: Administrator Law said there is no additional information on this matter at this point. He reviewed the concerns that the slope was designed to 3:1 and there was a request from the nearby property owner to adjust the slope along the new sidewalk. Councilmember Smith asked if it was 4:1 previously. Administrator Law said no way to tell after the fact. He said the project was constructed at 3:1 and the City is being asked to change it to 4:1. To make this change, the City will need an easement to do work, he said. Mr. Law said there was also a question about seeding. Councilmember Smith asked who signs off on these projects. Administrator Law said it can be City staff in some cases. Administrator Law said probably in the future the City won't approve hydro-seeding and would look at the time of year seed is planted. Councilmember Baer said a 4:1 slope is recoverable if you get a car on it but a 3:1 slope is not recoverable. Councilmember McKiernan asked exactly what would need to be changed is it from the culvert to the end of the sidewalk. Administrator Law said it's about 150 ft along sidewalk south of N. Third. Councilmember Smith moved to change the slope to 4:1 at the costs provided. Councilmember Baer seconded. Councilmember Harris asked from where in the budget

will the money come. Administrator Law said either from the street funding for the original project or it may be wrapped up into streets for next year. Councilmember Smith said the grass cover should be taken back to the original state. Administrator Law said that will be included in the work. Councilmember McKiernan asked if there was a temporary easement. Councilmember Smith amended the motion that the City will do the work if the temporary easement is granted at no cost. Councilmember Baer seconded. Motion passed 5-0.

Special Use Permit – Operation of a 24 Hour Inpatient Drug and Alcohol Treatment Facility at 105 E. Amity – Administrator Law said the stipulations for the SUP are outlined in the agenda packet and said the Planning Commission recommended the SUP for approval. Administrator Law reminded the Council the SUP is tied to the property not the use. Councilmember Smith asked the applicant if the facility will accept court-ordered patients. Mr. Hammer, the applicant, said no and he is willing to put that in writing. Mr. Hammer explained the premise of a facility that treats court-ordered patients said the same as his facility but they are run in different ways. He has no intention to have court-ordered patients. Councilmember McKiernan asked if it would need to be returned to Planning Commission. NL said yes. Councilmember Smith said as this is a voluntary admittance paid with insurance or cash what is the plan if there is a runner. Mr. Hammer said persons are not forced to stay. Administrator Law said this was brought up during the Planning Commission meeting and a patient would have to sign out and transportation would be provided to get a patient back home. Mr. Hammer said if patients come on their own, they can leave on their own. Mr. Hammer explained how the pre-admittance interview process works. The facility will have 16 in-patients. Councilmember Smith asked if that number could increase and Mr. Hammer said not likely, as there isn't space for many more patients. They could go up to 4 more patients, he said. Mr. Hammer is recommending to the facility's Board of Directors that the limit is 16 in-patients. Mr. Hammer said they there will also be a handful of out-patients. Councilmember Smith asked if the staff-to-patient ratio is 1 to 8. Mr. Hammer said yes. Councilmember Smith asked if patients would be out in community using facilities like the athletic club. Mr. Hammer said yes it's best for the well-being and recovery of patients to be involved in outside activities. Mr. Hammer said other outings could include 12-step program meetings, Saturday outings to a park or fishing, etc. and an optional church service. Councilmember Baer asked about a previous facility the applicant had worked at and if it is non-court ordered. Councilmember Harris asked if he was still associated with that facility. Mr. Hammer said no, he had changed careers. Councilmember Harris asked if there is certification that a director needs. Mr. Hammer said as director or owner he needs no certification but if he is a therapist then he would need certification. Mayor Southard asked about staffing. Councilmember Harris said there has been social media chatter about 18-year-old employees. Mr. Hammer said his

previous comments were taken out of context and that all his employees have to be 18 or over and he can't put an age limit on his employees to avoid age discrimination issues. Mayor Southard said to have a successful treatment facility he has to have the right opportunities. Councilmember Smith asked if patients would have criminal records. Mr. Hammer said some might but he doesn't care because people make mistakes and he wants to help them. Councilmember Harris asked about additional rumors of co-ed rooms. Mr. Hammer said he did not say the things that were posted to social media and refuted those statements. Mayor Southard said we get the general idea and no need to go through them one by one. Councilmember Harris asked if there is a start day. Mr. Hammer said that is out of his control. He can't do preparation for license until he takes possession of the facility and that includes hiring, which could take one month or longer. The state has to review the facility for licensing and the Kansas Department of Aging and Disabilities is the licensing agency. Mayor Southard asked if the council desires to accept the stipulations and ask for a separate statement to indicate the facility will only admit volunteer patients. Administrator Law the SUP should go back to the Planning Commission to add that stipulation. Mayor Southard said from his professional experience a volunteer admittance facility is very different with a different staff. Councilmember Harris asked if there is medical staff. Mr. Hammer said he is required to have a LPN on staff but will probably have an RN. Councilmember Harris said some of the stipulations appear to be duplicates including the stipulation requiring the number of staff. Councilmember Smith made a motion to send it back to Planning Commission to add a stipulation that the facility could not accept court-ordered patients. Councilmember McKiernan seconded. The motion passed 4-1 with Councilmember Harris voting no. Administrator Law reminded Council this item will not need to go through a public hearing or republication process.

New Playground Structure: Administrator Law said that Communications Coordinator Jean Carder had been working on this project and would present it to the Council. Carder went through the presentation provided by ABCreative and explained the Play That Moves You grant opportunity through Burke, a playground provider. An ABCreative representative was given a tour of the City Park and Ron Weers Park but those locations had issues with spacing and elevation changes. The Louisburg Aquatic Center was the chosen location as the playground could be placed near the sidewalk, there would be plenty of parking and it's another amenity to add to the pool complex. Carder said the grant is for play structures not stand-alone pieces. Carder said that ABCreative's approach addresses the 7 elements of play. This design includes five of those seven elements, with only swinging and spinning missing. Those are stand-alone pieces and could be added at a later time. ABCreative noted that inclusive play equipment lets kids of all abilities play together. This includes kiddos that might have physical, social, emotional or communicative challenges. Future expansion could include

freestanding items like music, inclusive spinners and swings - all items that appeal to all abilities. The price of \$42,506 includes the play structure, of which the grant pays for half, freight and installation. Carder said ABCreative recommends engineered wood fiber mulch as the surfacing as it is ADA accessible but is a cheaper option for budgetary concerns. If the Council wanted to look at hard-surface playground, Carder said ABCreative provided a quote of \$40,965 for DuraPlay surfacing. Councilmember Baer would like to see this playground at the pool as it draws more activity to a current park facility. Councilmember Smith said it's great for sensory play. Councilmember McKiernan said he likes the location. Councilmember McKiernan would like to see a price comparison of wood mulch to engineered surfacing. Councilmember Baer moved to approve the purchase of the playground equipment at the price of \$42,506. Councilmember Harris seconded. Motion passed 5-0.

ADJOURNMENT

At 8:52 p.m. Councilmember McKiernan moved, seconded by Councilmember Smith, to adjourn the meeting. Motion passed 5-0.

Approved:

Marty Southard, Mayor

Attest:

Jean Carder, recording secretary