

LINDSBORG CITY COUNCIL

May 6, 2019 – 6:30 p.m.

Meeting Minutes

MEMBERS PRESENT:

Rick Martin, Jodi Duncan, Becky Anderson, Blaine Heble, Betty Nelson, Ed Radatz, Mark Friesen, David Higbee

ABSENT: Corey Peterson

OTHERS PRESENT:

Greg DuMars, Lucas Neece, Gary Shogren, Holly Lofton, Beth Ferguson, Chief Berggren, Larry Lindgren, Chris Lindholm, Roxie Sjogren, Brian Bina, Jessica Lundberg, Paul Robbica

The meeting was called to order at 6:30 p.m. by Mayor Becky Anderson followed by the Pledge of Allegiance.

PUBLIC INPUT: None

AMENDMENTS TO THE AGENDA: None

MAYOR'S REPORT: Lindsborg is a busy place. This Friday is All School's Day and Makers Street, whose theme is Come What May. Saturday is Smoky Valley High School graduation. Next weekend is Bethany College's commencement with Bishop Eaton speaking at Baccalaureate. A special thanks to the Schupbach's on the opening of the inn, Dröm Sött. There will be a Hyllningsfest costume meeting. The City and County hired a consultant regarding the Old Mill.

CONSENT AGENDA: David Higbee moved to approve the minutes of the April 15, 2019 regular council meeting, Payroll Ordinance 5168 and Purchase Order Ordinance 5169. Motion seconded by Rick Martin and passed unanimously.

APPOINTMENTS: None

PLANNING & ZONING:

ORDINANCE No. 5170: C-3 General Business District: Firearms Sales Use

The current zoning code does not specify the sale of firearms as a permitted use in any defined district. The omission has the effect of prohibiting this activity within the city limits and is presumed to be unconstitutional. A text amendment adding firearm sales as a permitted use to at least one zoning district would resolve the issue. Staff recommends a text amendment to the zoning code to include firearm sales as a permitted use and suggests that it be limited to the C-3 General Business District. The C-3 commercial district is located along the Harrison/Cole highway corridor and the allowed uses are less restrictive than the C-2 Downtown Business District.

Planning and Zoning approved a motion to recommend the zoning code change by a vote of 5-0 at its April 16 regular meeting. City Council can adopt the recommendation in the form of an ordinance, override the Committee's recommendation by a 2/3 vote, or return the recommendation with an explanation of basis to not approve or disapprove.

Rick Martin moved to approve Ordinance 5170 allowing firearm sales as an allowed use in the C-3 General Business District. Seconded by Blaine Heble and passed 6-1.

ORDINANCE No 5171: Revised Maximum Height of Wireless Communications Tower

A firm from Kansas City has requested permission to construct a 250' free-standing wireless cellphone tower on a parcel located next to McPherson Concrete on East Union Street. The parcel measures 164.4' east to west, by 454' north to south. Our current code limits tower heights to the distance from base to the nearest property line. This is found in Section 50-885 Wireless Communication Towers, Item 1:

The minimum distance from any lot or property line to any tower, pole or other support structure shall be the total maximum height of the tower, pole or other support structure plus attached antennas.

The code is written to protect adjoining properties from a situation where a tower fails and falls intact. Antenna manufacturers say that current towers are designed to buckle in extreme wind events, resulting in fall zones that are a third of the tower height. If this is the case, then the code can specify maximum heights subject to a certified fall radius. This would not change the underlying intent of the code and provide wireless communication providers with more options for siting new installations.

Planning and Zoning approved a motion to recommend the zoning code change by a vote of 3-1 at its April 16 regular meeting. City Council can adopt the recommendation in the form of an ordinance, override the Committee's recommendation by a 2/3 vote, or return the recommendation with an explanation of basis to not approve or disapprove.

Mark Friesen moved to approve Ordinance 5171 revising the maximum allowed heights of wireless communication towers. Seconded by Rick Martin. Motion did not pass with a 4-3 vote as a majority vote of the total number of City Council members was needed. The ordinance will be sent back to Planning and Zoning.

OLD BUSINESS: None

NEW BUSINESS

Waterline Project Quotes

In 2018, the Water Department staff replaced 320 feet of 4" cast iron pipe on North Second Street. Due to preliminary investigation through potholing, staff believed the north half of the block was 6" cast iron and did not need to be replaced. It wasn't until they exposed the line to make the tie in that they learned it was only a 4" line. There is 480 feet remaining that needs to be replaced to upgrade the line to 6" plastic. There has been an ongoing program for many years to replace all of the 4" cast iron pipe in town which will improve service and increase water flow for fire protection. This is a continuation of that program.

The proposal is to use \$5,190.54 from the \$7,000 budgeted for the replacement of valves to finish the replacement of this line. Only two valves on the list need to be replaced. The valve replacement will be moved to next year.

\$10,000 is budgeted for repair parts inventory, \$7,284.10 of the quote is to restock the repair parts inventory.

Rick Martin moved to approve the quote from Core & Main for \$12,474.64 for the waterline project on North 2nd St. and repair parts for inventory. Seconded by Ed Radatz and passed unanimously.

Bandshell Bat Control

Bats nesting in the Swensson Park Bandshell have been a nuisance for several years, requiring regular clean-up of the stage, as well as concern for health hazards associated with bat droppings. Broadway RFD has presented a proposal to share the costs of professional removal, furnished by Critter Control of Kaw Valley, Shawnee, Kansas. The total cost includes lift rental for one day.

David Higbee moved to approve 1/2 the cost of bat control at the Swensson Park bandshell, not to exceed \$1,474.00. Seconded by Betty Nelson and passed unanimously.

Employee Educational Assistance Program

For Discussion Only:

The City has an Employee Education Assistance Policy so that city employees may take courses at Bethany College to further their education to enhance their skills in service to the city.

The origination of the policy was to provide educational assistance to city employees through Bethany College. The percentage breakdown was City $\frac{1}{2}$ of tuition and employee $\frac{1}{6}$ the cost of tuition, registration fees and books. The remaining $\frac{1}{3}$ of the tuition cost would be absorbed by Bethany College. In the last 20 years, this has only been utilized by one employee.

The Employee Handbook is currently in the process of being updated and revised. Staff is seeking direction on whether to retain the policy "as is," modify the policy, or remove the policy.

Executive Session:

Blaine Heble moved to go into executive session to discuss a claim against the City pursuant to the attorney-client privilege exception, K.S.A.(b)(2), for 10 minutes and to include the city attorney and city administrator. The open meeting will resume at 7:28 pm. Seconded by Rick Martin. No action was taken.

OTHER:

From Mayor Anderson: talk to your friends and neighbors about the Old Mill complex.

ADJOURNMENT - Moved by David Higbee, seconded by Mark Friesen and passed. Adjourned at 7:30 pm.

Respectfully Submitted,
Roxie Sjogren
City Clerk