

LINDSBORG CITY COUNCIL
Lindsborg City Hall
October 3, 2022–6:30 p.m.
Meeting Minutes

COUNCILMEMBERS PRESENT:

Clark Shultz, Rebecca Van Der Wege, Kirsten Bruce, John Presley, Blaine Heble, Emile Gallant, Andrew Smith, Corey Peterson (joined the meeting at 6:43 p.m.)

COUNCILMEMBERS ABSENT:

Tanner Corwin

OTHERS PRESENT:

Kristi Northcutt, Roxie Sjogren, Zach Strella, Chief Michael Davis, Chris Lindholm, Jordan Jerkovich, David Hay, Beth Ferguson, Lucas Neece, Derrald Banz, Bernard Kensey, Michael Bergstrom

The meeting was called to order at 6:30 p.m. by Mayor Shultz, followed by the pledge of allegiance.

PUBLIC INPUT

Bernard Kensey spoke on his concerns with the electric meter swaps.

AMENDMENTS TO THE AGENDA:

No amendments to the agenda.

MAYOR'S REPORT:

Mayor Shultz said he was pleased to announce that Andrea Swisher, Lindsborg City Prosecutor, had been named to the 28th Judicial District by Governor Kelly.

CONSENT AGENDA:

Councilmember Kirsten Bruce moved to approve the minutes from the September 6, 2022, regular Council meeting, the September 19, 2022, regular Council meeting, Payroll Ordinance 5384, and Purchase Order Ordinance 5385. Motion seconded by Councilmember Andrew Smith. The motion passed 6 -0 by roll call vote.

APPOINTMENTS:

There were no appointments.

PLANNING AND ZONING:

Planning and Zoning and Design Review Board had a joint meeting on September 27 addressing two items. The first item was an application for rezone at 416 South Kansas Street with a recommendation to amend the zoning from R1 to R3 with a mobile home overlay. This will be presented at the October 17 Council meeting. The second discussed was the appearance guidelines for the downtown C2 Retail Business District as well as Harrison Cole C3 General Business District. Most of the conversation centered on the Downtown C2 appearance guidelines, specifically the Design Review Board's role reviewing exterior modification revisions.

Corey Peterson joined the meeting at 6:43 p.m.

OLD BUSINESS:

Mobile Food Vending Policy

The Community Development Department offered three options which addressed public input from the September 6, 2022, regular meeting and direction from City Council at the September 19, 2022, regular meeting regarding the Mobile Food Vending Policy Manual Version 1.0 Map. These options include:

- 1) Ordinance 5388 (copies provided to Council) adopting Mobile Food Vending Policy Manual Version 2.0. This ordinance would open three parking spaces south of Farley's Bar and Grill in the orange zone (stall "O4 – 3"). The map amendment would allow all food vendors to locate in stall "O4 – 3."
- 2) Ordinance 5389 (copies provided to Council) adopting Mobile Food Vending Policy Manual Version 2.0. This ordinance would open parking spaces in front of *all* established brick-and-mortar restaurants. The map amendment would allow all food vendors to locate in front of all established brick-and-mortar restaurants.
- 3) Ordinance 5349 would remain in effect as established and allow the Mobile Food Vending Pilot Program to continue through March 7, 2023. This would allow the Planning & Zoning Commission and City Council to fully consider all collected feedback and data through the duration of the pilot program before adopting version 2.0 of the policy manual, based on said feedback.

Councilmember Emile Gallant moved to approve Ordinance Number 5388. Seconded by Councilmember Rebecca Van Der Wege and passed 5-2 with Councilmembers Heble, Bruce, Smith, Van Der Wege and Gallant voting aye and Councilmembers Peterson and Presley voting nay.

NEW BUSINESS:

Sewer Rate Calculation – Ordinance No. 5386

Ordinance 4574, adopted by City Council in 2008, outlines parameters for connections and fees in Section 46-366 of the Lindsborg Municipal Code, including those for sewer rates. The ordinances as previously written states that:

- Average monthly water usage will be determined from the average actual meter readings taken from that contributor during the previous months of December, January, and February, and March.

Because user charges are billed the following month after such charge is incurred, a practice that has been in place prior to and for the entire duration of the ordinance, staff feels it is important that this fact be stated clearly in the ordinance so that there is less ambiguity in how fees are calculated and billed.

As presented, Ordinance 5386 (amending Ordinance 4574, Section 46-366 of the Lindsborg Municipal Code) more clearly states this, with revisions as follows:

- Clarification/addition to Section 1: Average monthly water usage will be determined from the average actual meter readings taken from that contributor during the following months: November, December, January, and February. User charges shall be billed the following month after such charge is incurred.
- Add new Section 2: The monthly user charge determined from Section 1 shall be charged to that individual residential contributor for 12 consecutive billing cycles, beginning on the April bill. The monthly user charge shall be re-calculated according to Section 1 annually and applied in the same way.
- Addition of Section 4: If a residential contributor has not established a monthly average, the monthly user charge shall be the median charge of all other residential contributors determined from Section 1, except in the event the premises of a residential contributor is not occupied at any time during a particular month, the user charge for that month will be the minimum charge as hereinafter stated. The monthly user charge shall remain in effect until a residential contributor has had consumption during the periods stated in Section 1.

Councilmember Rebecca Van Der Wege moved to approve Ordinance 5386 as written. Seconded by Councilmember Andrew Smith and passed 7-0 by roll call vote.

Disorderly Conduct Code – Ordinance No. 5387

The Uniform Public Offense Code for Kansas Cities, 38th Edition for 2022, which was adopted at the September 19, 2022, City Council meeting under Ordinance 5382 has included in its Section 6.6, Criminal Damage to Property.

Section 6.6 states: *“(a) Criminal damage to property is by means other than by fire or explosive:*

- (1) Knowingly damaging, destroying, defacing or substantially impairing the use of any property in which another has an interest without the consent of such other person; or*
- (2) Damaging, destroying, defacing or substantially impairing the use of any property with intent to injure or defraud an insurer or lienholder.”*

In 2021, the Lindsborg Police Department (LPD) investigated several cases where subjects came to Lindsborg and threw eggs at residents’ property. While these incidents created a mess and it took time for the victims to clean up, it did not meet the definition above for criminal damage to property and therefore LPD was unable to hold the perpetrators accountable. To help close the loophole of this section and allow LPD and the City Prosecutor to hold those accountable for similar activities, staff has sought the assistance of our City Attorney to add language to expand the definition of disorderly conduct.

Under section 9.1 of the Uniform Public Offense Code for Kansas Cities, Edition 2022, the following section under Disorderly Conduct is added:

- 4) Willfully throwing, depositing, or placing any substance upon any property in which another has an interest without consent of such other person, when such action does not constitute criminal damage to property.*

Councilmember John Presley moved to approve Ordinance Number 5387, amending Section 9.1 of the “Uniform Public Offense Code for Kansas Cities,” Edition 2022 as previously adopted by the City of Lindsborg, Kansas. Seconded by Councilmember Blaine Heble and passed 7-0 by roll call vote.

Bunker Gear

The Lindsborg Fire Department set up a plan to purchase three sets of new bunker gear annually to replace bunker gear that is expired or set to expire soon.

There is \$6,000.00 in the budget for this fiscal year to purchase three new sets of bunker gear. With the increase in prices, the cost for the three sets of bunker gear has risen beyond what was previously budgeted; however, the necessary funds to cover the additional costs is available in the public safety budget. Quotes were requested from four different vendors; two quotes were received, and two companies did not respond.

The two quotes received are from Ed M. Feld Equipment Co. for \$6,774.72 and The Fire Store.com for \$10,497.75.

Councilmember Andrew Smith moved to approve the purchase of three sets of bunker gear from Ed M. Feld Equipment Co. in the amount of \$6,774.72. Seconded by Councilmember Smile Gallant and passed 7-0 by roll call vote.

Replacement Transformers

The Electric Department recently sent two transformers to Midwest Electric Transformer for repair after being pulled from service. These transformers had rust damage caused by irrigation systems continually spraying water on them; the rust damage was significant enough that the transformer cabinets were both beyond repair.

The cost of transformers has skyrocketed in the last two years because of supply chain issues and due to the tremendous demand caused by new construction throughout the country. Most transformers are easily rebuilt using the existing cabinet and rewinding internal components. Because of the large demand, even the cabinet in which transformers are built is in short supply. These issues continue to cause problems and no change is expected in the foreseeable future. Because of the long lead times, it is necessary to order these items well ahead of what is normal to simply ensure that they may be on hand when the time comes to use them.

The transformers that would be purchased are remanufactured and have been completely rebuilt and tested.

Councilmember Rebecca Van Der Wege moved to approve the purchase of two replacement transformers from Midwest Electric Transformers Services for \$14,190.00 plus tax. Seconded by Emile Gallant and passed 7-0.

Wastewater Treatment Plant Mixer Repair

The Biological Nutrient Removal Basin at the Wastewater Treatment Plant is part of the process to help remove nitrogen and phosphorus from the wastewater. This process is divided into two basins with each basin containing three mixers. These mixers help keep the wastewater mixed and the solids within the water in suspension, and they are running 24 hours a day.

Normally, a basin operates for one year before it is taken offline for inspection and cleaning. Maintenance is performed on these mixers based on the hours of operation and ahead of the manufacturer's recommendation. There is normally very little moisture in the motors when they are serviced. However, what can happen is that a piece of debris finds its way into the seal area and can damage the seal and allowing moisture to enter the equipment, which can cause motor damage. This is simply a product of the environment in which these mixers operate. Extra seal protection is in place and has helped reduce the possibility of this happening, but unfortunately there is no way to completely prevent it.

A new replacement mixer now costs \$14,633.00; that cost is up \$4,000.00 in just the last two years. Rather than a replacement mixer, staff recommends a necessary repair.

Councilmember Kirsten Bruce moved to approve the repair of a Flygt mixer by JCI Industries in the amount of \$8,805.00. Seconded by Rebecca Van Der Wege and passed 7-0.

EXECUTIVE SESSION:

There was no executive session.

OTHER:

Councilmember Corey Peterson said that he keeps getting questions about solar and along with people saying that the city is anti-solar. He was wondering if the city could share information with the community. City Administrator Kristi Northcutt asked the public to be patient as the city works through it with staff, KMEA, KMU as well as other cities as the city works through items doing the right thing at the right time.

ADJOURNMENT:

Councilmember Kirsten Bruce moved for adjournment, seconded by Councilmember Andrew Smith, and passed 7-0. Meeting was adjourned at 7:45 p.m.

Respectfully Submitted,
Roxie Sjogren, CMC
City Clerk