

**LINDSBORG CITY COUNCIL**  
**Lindsborg City Hall**  
**September 5, 2023–6:30 p.m.**  
**Meeting Minutes**

**COUNCILMEMBERS PRESENT:** Mayor Clark Shultz, Corey Peterson, Blaine Heble, Kirsten Bruce, Tanner Corwin, Andrew Smith, Rebecca Van Der Wege, Emile Gallant, John Presley, Tanner Corwin

**COUNCILMEMBERS ABSENT:**

**OTHERS PRESENT:** Kristi Northcutt, Zach Strella, Roxie Sjogren, Marcus Petty, Chris Lindholm, Chief Davis, David Hay, Lauren Doak, Milton Collins, Scott Achenbach, Anita Eyer

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

**PUBLIC INPUT:**

There was no public input.

**AMENDMENTS TO THE AGENDA:**

There were no amendments to the agenda.

**MAYOR'S REPORT:**

The State Fair begins this weekend. Mayor Shultz recognized CVB Director Holly Lofton for her work on the state fair board.

On September 30, the Old Mill and Swedish Heritage Museum will be hosting a workday.

**CONSENT AGENDA**

**Councilmember Kirsten Bruce moved to approve the minutes from the August 21, 2023, regular Council meeting, Payroll Ordinance 5441, and Purchase Order Ordinance 5442. Motion seconded by Councilmember Rebecca Van Der Wege. The motion passed 6-0 by roll call vote. Councilmembers John Presley and Emile Gallant abstained.**

**APPOINTMENTS:**

There were no appointments.

**COMMITTEE REPORTS:**

There were no committee reports.

**OLD BUSINESS:**

**Mobile Food Vending-Ordinance No. 5443**

After the adoption of version 1.0 and version 2.0 of the Mobile Food Vending Policy Manual, and the subsequent Mobile Food Vending Pilot Program that ran between March 2022 and March 2023, the Community Development Department utilized feedback received from local businesses, residents, and mobile food vendors who participated in the pilot program to revise the Mobile Food Vending Policy in a manner that addresses local concerns while creating a better operating framework for vendors.

On July 11, 2023, the Planning Commission recommended that Version 3.0 of the Mobile Food Vending Policy Manual be presented to City Council. Mayor Shultz had the opportunity to meet with local restaurants on Aug. 10, 2023, and share the policy with them. Feedback received was considered, and some additional revisions to

the policy were made at the Planning Commission/Design Review Board meeting on Aug. 22, 2023. The updates to the policy manual are as follows:

1. Establishes a \$25 permit fee for mobile food vendors.
2. Establishes the ability for special event coordinators to apply for a single mobile food vendor permit on behalf of all mobile food vendors to operate at given special event.
3. Establishes a 24-hour notice requirement for mobile food vendors before operating in Lindsborg.
4. Establishes revised designated locations for mobile food vendors to operate (note that the pilot program allowed for parking throughout the C-2 business district, and the revised locations are more limited and specific). In section 5.21 Public Property, locations available (after obtaining City approval) are:
  - a. Adjacent to and within Swensson Park, Riverside Park, and Lucia Park.
  - b. Directly in front of any structure located within the C-2 Retail Business District **only** if requested by property owner and/or operator. There are limitations to parking outlined in the policy that addresses parking availability downtown.
  - c. Within public parking lots owned by the City of Lindsborg (City Hall, USD400) if approved by city staff and/or for a special event.

Changes do not impact the ability of mobile food vendors to operate on private property.

**Councilmember Emile Gallant moved to approve the Mobile Food Vending Policy Manual Version 3.0 as recommended by the Planning Commission and Design Review Board, and Ordinance No. 5443 adopting the new Policy into City Code. Seconded by Councilmember Andrew Smith and passed 8-0 by roll call vote.**

#### **Appearance Guidelines-Ordinance Nos. 5444, 5445, 5446**

The Community Development Department has been working in coordination with the Planning Commission and Design Review Board since November 2022 to produce Appearance Guidelines for the regulation of building architecture and modifications in the C-2 Retail Business District, and signage and public art within all districts in the City of Lindsborg jurisdiction. The joint Board unanimously voted to recommend the Appearance Guidelines Draft Version 3.0, with modifications, at a special meeting held on July 11, 2023, and then presented the policy to City Council on July 17, 2023. At that meeting, City Council took no action and directed staff to work with the Planning Commission and Design Review Board on revisions.

The Appearance Guidelines as presented includes the following revisions from the previous draft considered by Council:

1. Changed references to Community Approved Design to Community Preferred Design throughout the policy. This is due to the size of the survey sample and reflects that it's not approved by the community, but rather that at this stage, the design is *preferred* by the community based on the survey results. The survey is still open, and responses will be collected and considered as part of the regular policy review process.
2. Switched order of Section 2.5 and 2.6 to state the Design Principles Definition first, followed by the Definition of Terms with Design Principles.
3. Section 2.6:
  - Removed terms "Tacky," "Garish," and "Amateurish," and replaced them with the Swedish term "Lagom," resulting in a softening of the language and giving an orientation towards the desired goal.
  - Added the term "graphics" in definitions referencing typefaces and fonts. This is to include imagery that would be included on a sign.
4. Revised Section 5.2 (Standard Application) to reflect the changes outlined above.

The Appearance Guidelines were designed to encourage creativity found within the community without being unnecessarily prescriptive or deterministic. This policy approach aims to strike a middle ground between limited oversight and absolute oversight, creating the conditions for better design outcomes and voluntary compliance. The decision to not require or define specific design criteria (e.g., colors, materials, styles, etc.) was intentional and informed by the previous failed attempts at developing guidelines where the overwhelming objection was centered

around the selection of colors and a limit on individual creativity. Although the chosen approach still involves an element of discretionary judgement by members of the Design Review Board, the approach limits their discretion to the defined Design Principles and encourages dialogue between the board and the applicant through the design of the application process.

**Councilmember Rebecca Van Der Wege moved to approve Appearance Guidelines as recommended by the Planning Commission and Design Review Board, and the associated Ordinances adopting the new Policy into City Code. Seconded by Councilmember Blaine Heble and passed 7-1 with Councilmember Emile Gallant voting no.**

**NEW BUSINESS:**

**Standard Traffic Ordinance (STO) – Ordinance No. 5447**

Each year, the League of Kansas Municipalities publishes the latest version of the Standard Traffic Ordinance (STO) Book for Kansas Cities addressing traffic violations that includes changes/updates after the legislative session. The following sections were modified in the 50<sup>th</sup> edition of the STO published in 2023:

Section 163. Additional Lighting Equipment

Section 179. Spilling Loads on Highways Prohibited.

Section 194. Driving While License Canceled, Suspended or Revoked; Penalty.

**Councilmember John Presley moved to approve Ordinance No. 5447, adopting the Standard Traffic Ordinance Book for 2023. Seconded by Councilmember Tanner Corwin and passed 8-0 by roll call vote.**

**Unified Public Offense Code (UPOC) – Ordinance No. 5448**

Each year, the League of Kansas Municipalities publishes the latest version of the Uniform Public Offense Code (UPOC) Book for Kansas Cities “designed to provide a comprehensive public offense ordinance for cities” that includes changes/updates after the legislative session. The following sections were modified in the 39<sup>th</sup> edition of the UPOC published in 2023:

Section 1.1. Definitions.

**Added** Airbag, Counterfeit Supplemental Restraint System Component, Hard Cider, Maliciously, Nonfunctional Airbag, Sexually Explicit Conduct, Supplemental Restraint System

**Amended:** Temporary Permit, Wildlife, Wine

**Moved** to Section 6.7: Health Care Facility, Health Care Provider

Section 3.2.3. Battery Against a Health Care Provider

Section 3.6 Unlawful Restraint

Section 3.8 Violation of Protection from Abuse Order

Section 3.13 Stalking

Section 5.5 Watercraft; Lifesaving Devices Required

Section 5.6 Purchase or Possession of Cigarettes or Tobacco, Products by a Minor

Section 6.7 Criminal Trespass

Section 6.22 Criminal Hunting

Section 6.27 Counterfeit Airbag Violation

Section 7.2 Interference with Law Enforcement

Section 10.5 Unlawful Discharge of a Firearm

Section 10.30 Operating an Aircraft Under the Influence

Section 11.11 Cruelty to Animals

The City retains the modification to Section 9.1 regarding the penalty for Disorderly Conduct adopted last year and adopts a modification to Criminal Littering that accounts for depositing unauthorized materials on City property.

**Councilmember Andrew Smith moved to approve Ordinance No. 5448, adopting the Uniform Public Offense Code Book for 2023. Seconded by Councilmember Emile Gallant and passed 8-0 by roll call vote.**

**EXECUTIVE SESSION:**

There was no executive session.

**OTHER:**

City Administrator Kristi Northcutt acknowledged and thanked the Planning Commission and Design Review Board for their work on the Appearance Guidelines and Mobile Food Vending policies.

**ADJOURNMENT:**

**Councilmember Kirsten Bruce moved for adjournment, seconded by Councilmember Andrew Smith, and passed 8-0 by voice vote. The meeting was adjourned at 6:51 p.m.**

Respectfully Submitted,  
Roxie Sjogren, CMC  
City Clerk