

LINDSBORG CITY COUNCIL
Lindsborg City Hall
December 18, 2023–6:30 p.m.
Meeting Minutes

COUNCILMEMBERS PRESENT: Mayor Clark Shultz, Corey Peterson, Andrew Smith, Rebecca Van Der Wege, Kirsten Bruce, Blaine Heble, Joshua Swanson

COUNCILMEMBERS ABSENT: Tanner Corwin, John Presley

OTHERS PRESENT: Kristi Northcutt, Roxie Sjogren, Zach Strella, Chris Lindholm, Milton Collins, Holly Lofton, Noah Flores, David Hay, Lauren Doak, Sergeant Reed, Officer Mike Adams, Emile Gallant, Lynn Sims, Jaron Watkins, Brandon Watkins, Bethany Shultz

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:

Mayor Shultz shared that last weekend was another wonderful weekend in Lindsborg with Heritage Christmas, the St. Lucia Festival, and many people in town.

Mayor Shultz commented that it was the last City Council meeting of the year and wished everyone a merry Christmas and Happy New Year, and thanked all volunteers on committees/councils, city staff, city directors, city attorney, municipal judge, and the city council members.

CONSENT AGENDA

Councilmember Kirsten Bruce moved to approve the minutes from the December 4, 2023, regular Council meeting, Payroll Ordinance 5461, and Purchase Order Ordinance 5462. Motion seconded by Councilmember Blaine Heble and passed 6-0 by roll call vote.

APPOINTMENTS:

There were no appointments.

COMMITTEE REPORTS:

Board of Zoning Appeals (BZA)

Community Development and Neighborhoods Services Director Milton Collins reported that BZA met on December 12 regarding variances in the 400 block of N. Normal. The first is regarding the building of an accessory structure prior to the building of the main dwelling. The second item was for the height differential for the accessory structure being higher than the main dwelling. The items were passed by BZA.

BZA also discussed container homes and recommended that the city consider guidelines for them. Mayor Shultz asked Community Development and Neighborhoods Services Director Milton Collins to gather information from other communities about what they are doing with container home regulations and bring that back to Council.

Fleet Management

On August 1, 2022, the Lindsborg City Council approved an agreement with Enterprise Fleet Management to manage the City of Lindsborg vehicle fleet. On Feb. 20, 2023, Enterprise and staff presented a Study Session with a six-month update. Since entering into the original agreement last year, the City has taken possession of 10 fleet vehicles in various departments. All vehicles except for two Police vehicles are on full maintenance contracts.

Admin: 2023 Ford Explorer
2023 Ford Escape

Police: 2023 F150
2023 F150 Responder (Maintenance Management Only)
2023 Police Interceptor (Maintenance Management Only)

Parks: 2023 F-150 Lightning (EV)
2023 F-150

PW: 2023 F150
2023 F150

Rec: 2023 F150

Whenever a vehicle is sold, the revenue is deposited into the corresponding department's fund, and then it is transferred into the Equipment Reserve Fund. All lease payments are made from the Equipment Reserve Fund. Accounts have been set up so that we can easily track/run reports on payments from each department.

Year to date, the City has sold six vehicles with Enterprise for a value of \$85,510.00; \$41,822.24 has been spent on lease payments leaving a net total of \$43,687.76. An additional \$20,924.28 has been expended on PD vehicles to outfit them with specialized equipment.

The City is behind pace acquiring vehicles. Three police vehicles, all the ½-ton trucks, and the admin vehicles having been delivered. Due to supply issues, the heavy-duty trucks have not been delivered. For 2024, the plan includes the sale of two F-150s (sales will not complete before end of year), two F-250s, two F-450s, and one F-550. One F-150, two F-250s, two F-450s, and one F-550 will be purchased if supply is available (may not be Ford, but comparable model of another brand).

While fleet payments are already included in payables, they will be listed as a separate line item in the Consent Agenda on a monthly basis beginning in January 2024.

No action was needed; informational report only.

FIRST READING:

Mayor Shultz allowed public comment prior to the first reading of the ATV Draft Ordinance.

Emile Gallant shared background as to why he thought the City should allow ATV/UTVs within the city limits citing that constituents had approached him about it when he had been on Council. He stated that community members had to trailer their ATV/UTVs for just one block to get into/out of city limits and for use for snow removal. He drafted a sample ordinance that included items such as proof of insurance, lights, speedometer, etc. for City Council's review.

Jaron Watkins, a community member that lives 20 feet from Burma Road where ATV/UTVs are legal, also spoke. She stated that they use their ATV to check cattle, visit friends, and drive to Marquette. They attend side-by-side events with their family. She stated that Assaria built a playground and ballfield with the profit from their side-by-side events. She reiterated the need for guidelines like having the vehicles registered, exhaust, speedometer, and seat belts.

Sergeant Terry Reed of the Lindsborg Police Department shared some concerns that the department has regarding ATV/UTVs: general safety on the streets; injuries that come from cars vs. ATV/UTV accidents; many ATV/UTVs do not meet National Highway Traffic Safety Standards; they are not allowed on state highways which would include K4, Harrison-Cole, McPherson Street and part of Main Street; operation by unlicensed/underage drivers; uninsured ATV/UTVs; and lights on ATV/UTVs do not meet the same standards as a vehicle.

Officer Mike Adams previously worked in Moundridge where they have legalized golf carts and ATV/UTVs. He stated that Moundridge requires that ATV/UTVs have everything a car has: headlights, brake lights, turn signals, etc., as well as a licensed driver and a minimum of liability insurance.

ATV Draft Ordinance

This item was proposed for consideration by former Councilmember Emile Gallant but couldn't be added to an agenda prior to his term ending on City Council due to meeting and scheduling conflicts.

Currently, the City of Lindsborg Municipal Code prohibits the operation of an all-terrain vehicle within the corporate limits of the City unless authorized by the City. Resolutions have been adopted over time to exempt the City of Lindsborg, Rural Fire District #8, Bethany College, Bethany Home Association, USD 400, and the Lindsborg Housing Authority whenever such operation is being done in furtherance of the operation of one of the named institutions.

Per Mr. Gallant, the general goal of a proposed ATV ordinance within city limits has been for people to legally drive their ATV to outside of city limits or to put fuel in it without having to trailer it. As a councilmember, Mr. Gallant heard from constituents who felt that it was unfair to spend time/effort to trailer an ATV in some cases just one or two blocks then unload it.

As drafted by Mr. Gallant, an ordinance would allow for day-to-day use of ATVs within the city limits if permitted/insured/meeting requirements but could have an intent listed as solely for the purposes of getting outside city limits/getting fuel or for use in commercial business for reasons such as snow removal. *Note that the draft ordinance was written by Mr. Gallant based on similar documents sourced and has not undergone any modifications/revisions/input from the City Attorney other than an initial reading.*

As added background, at the November 4, 2019, City Council meeting, a presentation was made to allow ATVs to be driven on a direct route on City streets to the south entrance of the Meadowlark Trail. Direction from City Council to staff was to draft a resolution to allow this use and to present it at the November 18, 2019, City Council meeting. At that meeting, Resolution 10-19 did not pass with one councilmember voting in favor and five councilmembers voting against (two councilmembers were absent from the meeting).

Councilmembers were provided with copies of the DRAFT ATV Ordinance from Mr. Gallant, the 2022 Kansas State Statutes on ATV and Resolution No. 03-11.

Because this was the first reading to introduce the item, no action from City Council was taken. The item was for discussion purposes only.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Sales Tax Transfer

Council was provided with a document that outlined the sales tax transfer, local sales tax (1/2-cent sales tax) is collected and then allocated to specific capital items. December sales tax numbers are not yet available, so a final update will be given at the Jan. 16, 2024, meeting.

Unallocated local sales tax (1/2-cent sales tax) is generally budgeted to be transferred at year end to either the Equipment Reserve Fund or the Capital Improvement Reserve Fund. At the Sept. 18, 2023, City Council meeting, it was noted as part of the approved Part 2 Build Agreement with Hutton that unbudgeted sales tax revenue would be allocated to the renovation project (a capital improvement item).

Therefore, the Administration recommended not transferring sales tax revenue to reserves this year, and instead using those funds towards the public safety renovation project as planned.

Councilmember Andrew Smith moved to keep unbudgeted sales tax revenue in the General Fund for fiscal year 2023, rather than executing the scheduled transfer to the Reserve Fund. Seconded by Councilmember Rebecca Van Der Wege and passed 5-1 with Councilmembers Heble, Bruce, Smith, Peterson and Van Der Wege voting aye, and Councilmember Swanson voting nay.

EXECUTIVE SESSION:

Council President Corey Peterson moved to recess City Council into executive session to discuss the City Administrator 2024 contract pursuant to the non-elected personnel matter exception, K.S.A. 75-4319(b)(1) for a period of 20 minutes and to include the Mayor and City Council. The open meeting will resume in Council Chambers at 7:42 p.m. Seconded by Councilmember Joshua Swanson and passed 6-0 by voice vote.

After returning from Executive Session, Council President Corey Peterson moved to recess City Council into a second executive session to discuss the City Administrator 2024 contract pursuant to the non-elected personnel matter exception, K.S.A. 75-4319(b)(1) for a period of 15 minutes and to include the Mayor and City Council. The open meeting will resume in Council Chambers at 7:59 p.m. Seconded by Councilmember Blaine Heble and passed 6-0 by voice vote.

No action was taken. The open meeting resumed at 7:59 p.m.

NEW BUSINESS:

City Administrator Contract

Mayor Clark Shultz shared that Council was going to pass over the city administrator contract agenda item stating that two council members were absent.

ADJOURNMENT:

Councilmember Kirsten Bruce moved for adjournment, seconded by Councilmember Andrew Smith, and passed 6-0 by voice vote. The meeting was adjourned at 8:00 p.m.

Respectfully Submitted,
Roxie Sjogren, CMC
City Clerk