

LINDSBORG CITY COUNCIL

August 21, 2017 – 6:30 p.m.

Meeting Minutes

Members Present – Betty Nelson, Kathy Richardson, Rick Martin, David Higbee, Mark Friesen, Blaine Heble, Ed Radatz & Bill Taylor

Absent - Corey Peterson

Others Present – Greg DuMars, Jerry Lovett-Sperling, Tim Berggren, Larry Lindgren, Kate Elliott, Chris Lindholm, Bill Gusenius, Gary Shogren,

The meeting was called to order at 6:30 p.m. by Mayor Bill Taylor and the Pledge of Allegiance was said.

Public Input – Ro Heart addressed the council regarding feral cats in the city. She and a group of others, including the local veterinarian and the McPherson County Humane Society, are working to TNR (trap, neuter and release) cats. They have a Facebook group, “Cats of Lindsborg”, for those interested in helping. Once a cat is caught, it will be spayed or neutered, given appropriate vaccinations and then released. More information can be found in the Facebook group or Alleycat.org

Amendments to the Agenda – The Astratek claim will be taken up during “Other”

Mayor’s Report – Mayor Taylor noted that he hoped everyone enjoyed the solar eclipse today. He Reported a great turnout to welcome Bethany Students to campus last Friday. There are 75 students who have taken advantage of the Good Life Scholarships. Student enrollment is also up this year!

Consent Agenda – Rick Martin moved to approve the minutes of the August 7, 2017 regular council meeting, Payroll Ordinance 5062 and Purchase Order Ordinance 5063. Motion seconded by David Higbee and passed unanimously by roll call vote.

Appointments – none

Planning & Zoning – none

Old Business – none

New Business – EMS AUTO-PULSE CHEST COMPRESSION SYSTEM - EMS has budgeted \$16,000 to purchase an auto pulse for one of the ambulances. This piece of equipment is a chest compression device for patients who are not breathing and have no pulse. The equipment is put on the patient and automatically provides compressions at the correct pace and depth. Physio-Control, Inc. is the sole-source provider of this piece of equipment which is listed as a LUCAS Chest Compression System. Betty Nelson moved to approve the Lucas 3.0 Chest Compression System with power supply and 3 battery rechargeable LiPo at a cost of \$14,853.20. Motion seconded by Kathy Richardson and passed unanimously by roll call vote.

RESOLUTION 05-17 – NUISANCE ABATEMENT 218 N CHESTNUT - A letter was prepared and mailed regarding tall grass and trash as well as an abandoned vehicle located in the alley of 218 N. Chestnut. This is the residence of Dale and Steve Brickey. A certified letter was prepared and served personally to Dale Brickey on June 26, 2017 by Officer Bartlett. A check of the property showed that the vehicle was issued current sticker and is no longer in violation of abandonment, however the trash and debris was not collected and disposed of. Someone was hired to mow the property already, however the trash and debris still needs to be addressed. Kathy Richardson moved to adopt Resolution No. 05-17 to clean and dispose of trash and debris located just off the alley located at 218 N. Chestnut Street. Motion seconded by David Higbee and passed unanimously by roll call vote.

COX COMMUNICATION FRANCHISE - Cox Communications had a 15-year franchise agreement with the City of Lindsborg that expired on August 12, 2017. In 2006, the Kansas Legislature adopted K.S.A. 12-2024 which provided the right to a statewide franchise for cable video service providers. This removed the negotiating position for municipalities for a franchise agreement. The only issue that is decided at the local level is the rate of the franchise fee. Currently, the franchise fee is 3.5% and in 2016 generated \$28,557.45 in franchise fee revenue. Per statute, the maximum franchise fee rate that can be charged is 5%, which would generate approximately \$40,800 in franchise fee revenue. Betty Nelson moved to approve the contract with Cox Communication and with a 4% franchise fee. Motion seconded by Blaine Heble and failed by roll call vote of 2 yes votes by David Higbee and Betty Nelson and all others voting no. Rick Martin moved to approve the agreement with a 3.5% franchise fee. Motion seconded by Mark Friesen and passed unanimously by roll call vote.

RESOLUTION 04-17 – STORMWATER ERU, ERU RATE & EFFECTIVE DATE - Charter Ordinance No. 21, which was adopted June 5, 2017, established a stormwater utility for the City of Lindsborg. A charter ordinance is subject to protest petition. The time period for the protest petition has expired and the establishment of the guidelines, fees, policies and procedures governing the Stormwater Utility need to be adopted. Resolution 04-17 establishes the Equivalent Residential Unit (ERU) as 3,172 square feet, establishes the ERU rate as \$7.00 per ERU and provides for an Undeveloped Property Rate which is set at 0%. Betty Nelson moved to adopt Resolution No. 04-17 establishing the Equivalent Residential Unit (ERU), the ERU rate and the Undisturbed Property Rate. Motion seconded by Kathy Richardson and passed unanimously by roll call vote.

ORDINANCE 5065 – STORMWATER MANAGEMENT UTILITY POLICIES AND PROCEDURES - Charter Ordinance No. 21, which was adopted June 5, 2017, established a stormwater utility for the City of Lindsborg. A charter ordinance is subject to protest petition. The time period for the protest petition has expired and the establishment of the guidelines, fees, policies and procedures governing the Stormwater Utility need to be adopted. Ordinance 5065 is an enabling ordinance that adopts the Stormwater Management Utility Policies and Procedures Manual by reference. The Policies and Procedures Manual provides for the stormwater definitions, billing, fee adjustments and waivers and the regulatory enforcement and the forms for the stormwater utility. Rick Martin moved to adopt Ordinance No. 5065 which adopts the Stormwater Management Utility Policies and Procedures Manual by reference. Motion seconded by Blaine Heble and passed unanimously by roll call vote.

ORDINANCE 5066 – BOARD OF ZONING APPEALS TO HEAR STORM WATER UTILITY APPEALS - Section 3.3 Appeals of the Stormwater Management Utility Policies and Procedures Manual specifies the Board of Zoning Appeals (BSA) as the Stormwater Utility Appeals Board. Under the Planning and Zoning Code, hear stormwater appeals is not identified as one of BZA's responsibilities. Ordinance 5066 amends the Planning and Zoning code and establishes the Board of Zoning Appeals as the body to hear stormwater appeals. Kathy Richardson moved to adopt Ordinance 5066 establishing the Board of Zoning Appeals as also having the responsibility of hearing stormwater appeals. Motion seconded by David Higbee and passed unanimously by roll call vote

ORDINANCE 5064 – TREE TOPPING PROHIBITED - The Tree Board forwards for your consideration an ordinance prohibiting the tree maintenance method called "tree topping." Topping is one of the most

harmful tree pruning practices known. Despite more than 25 years of literature and seminars explaining its harmful effects, topping remains a common practice. A brochure from the Nebraska Forest summarizes the problems associated with tree topping. If adopted, outreach efforts will begin with one-on-one visits with local tree contractors, as well as mailers sent to all licensed tree trimmers. The public will be informed through social media, the quarterly newsletter, press releases provided to the media, and by word of mouth. Literature will be developed for distribution at City Hall, as well as events sponsored by the Tree Board.

Rick Martin moved to adopt Ordinance 5064 prohibiting tree topping. Motion seconded by Betty Nelson and passed unanimously by roll call vote.

Executive Session – none

Department Head Reports – COMMUNITY DEVELOPMENT/PARKS – Gary Shogren provided council with an update from the recent Planning & Zoning Commission meeting. They are looking at some text changes to the ordinance which will prompt a hearing before the commission. 1. allowing accessory structures closer to side lot lines. 2. Adding auto sales and service to the C-2 district as an allowable use or allowed by conditional use. 3. A typographical error that denies most all variances. 4. To talk again about fence height variances for front yards.

RECREATION/GOLF COURSE – Kate Elliott updated council on the recent “Doggy Dip” that took place at the swimming pool on the last night of the season. It was well received and they raised about \$250 toward the dog park. Golf numbers continue to grow from last year. To date there have been 3,359 rounds played this year versus 2,460 last year. Memberships are at 82 versus 79 last year.

ADMINISTRATION/FINANCE – Greg DuMars covered financials with 2 items of note. The golf course YTD net is \$75,551 to the positive and the electric fund is currently paying construction costs for the EMS building which will be recouped when the bond is issued for the debt. Chris Lindholm told council that

the department is looking at testing the pipe from well #9 to the country water tower. Chris will likely be coming to council for approval of the line testing.

Other – Council member David Higbee remarked that the recent car show was terrific as was Sunday's Doggy Dip.

Council reviewed a letter from the City Attorney indicating that Astratek does not plan to file a defense to the lawsuit but had asked to be allowed to make monthly payments.

Adjournment - Rick Martin moved to adjourn the meeting. Motion seconded by Kathy Richardson and passed. Meeting adjourned at 7:55 p.m. .

Respectfully submitted,

Jerry Lovett-Sperling. MMC

City Clerk