

LINDSBORG CITY COUNCIL

Minutes – February 5, 2007

6:30 p.m.

Members Present – Brad Howe, Rick Martin, Russ Hefner, Betty Nelson, Becky Anderson, Bill Taylor, Lloyd Rohr, Ken Branch & John Magnuson

Others – Greg DuMars, Jerry Lovett-Sperling, Thad Morrical, Larry Lindgren, Tim Dunn, Tim Berggren, Annette Duncan, Dan Carr, Priscilla Johnson, Sally Train, Mark Van Camp, Bill Gusenius, Judy Neuschafer, Jack & Marliss Detmers, Scott Wolf, Brandon Whetstone, Darren Elbing, Doug Scott & Richard Kurtz

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

Public Input – None

Amendments to Agenda – None

Minutes – Russ Hefner moved to approve the minutes of the January 2, 2007 regular council meeting. Motion seconded by Brad Howe and passed.

Mayor’s Report – Mayor Magnuson noted the meetings for the month and stated that there were no appointments at this time. He then read the following statement:

“Based upon conversations with residents of the community I think there are some things that need clarification.

First, the professional Staff of the City of Lindsborg had nothing to do with the acquisition of the Sundsstom Building. They had nothing to do with the negotiations with Joe Hulse and they had nothing to do with determining the price paid for the building.

Second, in January I entered a letter to the official record. This letter is from Jim Richardson and addressed to All the City Council members. This letter was discussed extensively at the December Council meeting without having been made a part of the official record. This is at least the second time in the past year and a half that a relevant document has discussed without being entered into the official record by members of the City Council.

That said I would like to address the letter dated November 20, 2006 written by Jim Richardson and addressed to the Council Members.

The City of Lindsborg has a mayor and council form of government. Mr. Richardson wrote that we have a City Commission. I would encourage you all to read the Governing Body Handbook, there are copies available here at City Hall. In the information regarding the Mayor and Council form of government, while the Mayor may have limited authorities, one of the most pronounced authorities is that the mayor is to be “active and vigilant” in enforcing all laws and ordinances for the government of the City. Since the City is part of the State of Kansas and the United States and therefore subject to those laws it is my interpretation that those laws are indeed covered under the same statute.

Mr. Richardson there is a difference between the word allegation and appearances. In my letter of complaint to the Kansas Real Estate Commission I wrote "it appears that some questionable activities may have occurred"

Mr. Richardson if there had been findings by the Kansas Real Estate Commission it would have been their responsibility to take action not the Lindsborg City Council.

Mr. Richardson, The League of Kansas Municipalities Handbook, Chapter 2 states The Ethical City Official "A public servant cannot serve with equal faithfulness both private interests and public duties when the two conflict. – U. S. Supreme Court (1973) Municipal office is a public trust created in the interest of, and for the benefit of, the people. Public officers are fiduciaries and trustees of the public interest, and they owe an undivided loyalty to the people they serve. The law does not permit a public officer to place himself or herself in a position of conflicting personal and public duties. If an officer acquires any interest adverse to those of the public, without a full disclosure of that fact, it is a betrayal of the officer's trust and a breach of confidence."

Mr. Richardson, I believe that the majority of the Lindsborg Citizens not only volunteer but have the ethical bearing to understand that putting the rule of law and ethics first benefits the Community as a whole."

Mayor Magnuson then reminded those present of the Municipal Leadership Academy class in Abilene on February 17th from 9:30 to 5:00 on KORA and KOMA.

Planning & Zoning – ORDINANCE 4478 – Lloyd Rohr moved to adopt Ordinance 4478, which changes the zoning on the 80 acre tract on the north edge of town to "PUD" Planned Unit Development. Motion seconded by Betty Nelson and passed unanimously by roll call vote.

Administration & Finance – MIDSUMMER COMMITTEE REQUEST – Brad Howe moved to approve funds not to exceed \$2,000.00 to assist with sound equipment and other supporting items for bringing the Tiny Toads to the festival. Motion seconded by Russ Hefner. It was noted that this comes under the city grant policy and will be paid out as a reimbursement. Motion passed unanimously by roll call vote.

Becky Anderson commented on the importance of showing support and recognition of Munkfors as our Sister City.

SUNDSTROM BUILDING MARKET STUDY – Brad Howe moved to approve \$5,000.00 for MapInfo Corp. to complete a Markey study for the Sundstrom building. Motion seconded by Bill Taylor and passed unanimously by roll call vote.

Utilities – DEVELOPMENT AGREEMENT FOR GARDENS OF LINDSBORG – Lloyd Rohr moved to approve the agreement with the developer of the Gardens of Lindsborg to extend the electric distribution system to the subdivision. Motion seconded by Brad Howe. The developer will pay the \$16,250.00 cost of the extension and then will count towards the 30% developer match for the construction of the electrical infrastructure. Motion passed unanimously by roll call vote.

WATER CONNECTION FEE ORDINANCE 4479 – Lloyd Rohr moved to adopt Ordinance 4479, increasing the connection fee for water service. Motion seconded by Betty Nelson and passed unanimously by roll call vote.

TREE TRIMMING CONTRACT – Lloyd Rohr moved to approve the contract with Salina Tree for the continued tree trimming for the city in the amount of \$21,120.00. Motion seconded by Russ Hefner and passed unanimously by roll call vote.

Streets & Parks – RECYCLING CENTER – The city recycling center will need a temporary location very soon as the Mid-Kansas Coop needs the space in the building that currently houses the recycling center. City Staff spoke with representatives of MASWU about possible locations that were shared with committee members. The temporary location will contain 22 “pods” that will be clearly marked and surrounded by fencing to help keep down blowing recyclables. The temporary location is along the east side of the parking lot of the south Trail Head. This will allow a hard surface for people to drive on as well as the trucks to remove/replace the pods. Staff has already begun the process of looking and planning for a permanent site. Lloyd Rohr moved to move the recycling to the temporary location. Motion seconded by Bill Taylor and passed unanimously.

WELDER QUOTES – Becky Anderson moved to approve the bid from Lampton Welding to purchase a welder for the streets department at a cost of \$2,135.00. Motion seconded by Rick Martin and passed unanimously by roll call vote.

KDOT RESOLUTION & AGREEMENT – Becky Anderson moved to adopt Resolution 01-07 allowing the Mayor and Clerk to sign documents and the agreement with KDOT for the Geometric Improvement project on Harrison/Cole. Motion seconded by Rick Martin and passed unanimously by roll call vote.

Public Safety – CONCEALED CARRY ORDINANCE 4480 – Bill Taylor moved to table this ordinance until the next meeting. Motion seconded by Lloyd Rohr and passed.

DIGITAL CAMERAS – Bill Taylor moved to approve the purchase of two digital camera systems for the patrol cars from Watch Guard in the amount of \$10,140.00 + \$50.00 shipping. Motion seconded by Becky Anderson and passed unanimously by roll call vote.

2001 DODGE INTREPID – Bill Taylor moved to approve funds not to exceed \$1,800.00 to acquire this vehicle that was confiscated from an arrest. Motion seconded by Rick Martin and passed unanimously by roll call vote.

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Purchase Order – Lloyd Rohr moved to approve payment of Purchase Order Ordinance 4481. Motion seconded by Bill Taylor and passed unanimously by roll call vote.

Payroll – Betty Nelson moved to approve Payroll Ordinances 4475, 4476 & 4477. Motion seconded by Lloyd Rohr and passed unanimously by roll call vote.

Other – none

Adjournment – Lloyd Rohr moved to adjourn the meeting. Motion seconded by Brad Howe and passed. Meeting adjourned at 7:45 p.m.

Respectfully submitted,

Jerry Lovett-Sperling

City Clerk