

Call To Order:

The regular meeting of the Lansing City Council was called to order by Mayor Gene Kirby at 7:00 p.m.

Roll Call:

Mayor Gene Kirby called the roll and indicated which councilmembers were in attendance.

Councilmembers Present:

Ward 1: Kevin Gardner and Dave Trinkle

Ward 2: Andi Pawlowski and Don Studnicka

Ward 3:

Ward 4: Tony McNeill and Gregg Buehler

Councilmembers Absent: Kerry Brungardt and Jesse Garvey

OLD BUSINESS:

Approval of Minutes: Councilmember Buehler moved to approve the regular meeting minutes of November 17, 2016. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Audience Participation: Mayor Kirby called for audience participation and there was none.

Presentation: National Flood Insurance Program Community Rating System Plaque: Mayor Kirby was presented a plaque by Sara Henry, National Flood Insurance Program Specialist for Kansas Region VII. Ms. Henry commended the City for its achievement of a lower rating and continued efforts in the program.

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Consent Calendar: Councilmember Pawlowski moved to approve the consent calendar as presented. Councilmember Buehler seconded the motion.

- Councilmember Trinkle asked have there been any problems or anything with these Steve.
 - Police Chief Steve Wayman replied no.

The motion was unanimously approved.

Renewal of Special Use Permit – 125 Rock Creek Loop: Councilmember Buehler moved to approve the special use permit for 125 Rock Creek Loop. Councilmember Pawlowski seconded the motion.

The motion was unanimously approved.

Renewal of Special Use Permit – 128 E. Kansas: Councilmember Buehler moved to approve the special use permit for 128 E. Kansas. Councilmember Studnicka seconded the motion.

- Councilmember Gardner stated Steve is this one, I noticed in my full packet here, some of them didn't have up to date vaccinations, is this one of them?
 - Police Chief Steve Wayman replied this was, but she has taken care of this today, so it has been taken care of and it is up to date on that.
- Councilmember Pawlowski asked and there are not problems or anything is there.
 - Police Chief Steve Wayman replied no.

The motion was unanimously approved.

Renewal of Special Use Permit – 336 Fawn Valley Ct: Councilmember Buehler moved to approve the special use permit for 336 Fawn Valley Ct. Councilmember Studnicka seconded the motion.

- Councilmember Gardner asked is everything good on this one.
 - Police Chief Steven Wayman replied this one they have not.
 - Police Captain Benjamin Ontiveros stated I checked after close of business today and she had not come in to take care of that. I would recommend that you either table it until December 15th, or approve it on the condition that she comes in and takes care of that by December 15th. I will be sending out a letter tomorrow with these deadlines on there for her to get that accomplished, and if she does not she will be informed that citations will be issued.

Councilmember Studnicka withdrew his second.

Councilmember Buehler withdrew his motion.

Councilmember Studnicka moved to table this item until December 15, 2016. Councilmember Buehler seconded the motion.

- Mayor Kirby stated I've got some questions, I assume that they would know that they have to have this stuff done.
 - Police Captain Benjamin Ontiveros replied I did the inspection on, I believe, the 21st of November, and when I was there with her I verbally told her that she had to get it done prior to the council meeting.
 - Mayor Kirby stated but this is the renewal for a permit, correct, so this is something that she should already be aware of as far as paperwork and the rabies and all that stuff, vaccinations.
 - Police Captain Benjamin Ontiveros replied yes.

The motion was unanimously approved.

Renewal of Special Use Permit – 110 N. Ethel Ln.: Mayor Kirby stated Mr. Nelson you have the floor sir.

- Mr. Nelson at 108 N. Ethel Ln. stated I am here today to speak against the renewal of the special use permit of 110 N. Ethel Ln. The topics that I plan to cover today are simply updates from the two previous discussions we've had, 16 June and 15 September. Point number 1, when Animal Control Officer Dave Asmus completed the special use permit packet he never contacted the neighbor on the adjoining property to the back. Officer Asmus only requested information and comments from 108 Ethel Ln. and 112 Ethel Ln. For example, Mr. Cook at 116 Ralph Drive which shares a property line with the Thompsons was never contacted. I feel in order for a special use permit to be valid and for all voices to be heard, everyone that shares a property line with the persons filing for the application needs to be contacted. Point number 2, Mrs. Thompson's daughter still walks all six dogs around the neighborhood without poo bags. These six dogs poop in the neighborhood during their walks and it's not cleaned up. I mentioned this on 16 June and 15 September, the situation has not changed. According to Chapter 2, Section 302, paragraph bravo of Lansing City Code, it shall be unlawful for any person who is an owner or possessor of an animal in their care to fail to remove excrement deposited by the animal upon any public or private property, other than the property owner of the animal. To be completely honest, I don't blame the little girl for her actions, I don't think it's her fault, I think the parents need to take time to explain the rules and if the parents don't know or didn't know that it was against city code, they should at least know that it's considered rude to allow your pet to deposit excrement in a neighbor's yard. The dogs are constantly barking. Most nights they bark after daylight hours, and City Code Chapter 12, Section 301, paragraph B6, the owning, keeping, or harboring of any animal that continuously, repeatedly, or persistently for 30 minutes or more, without provocation by the complainant, howls, barks, or emits audible sounds which shall annoy, distress, or disturb the quiet, comfort, or response of any person of reasonable sensibilities within the vicinity. I also brought this to the Council on 16 June and 15 September. Since 15 September and removal of one of the dogs, it has gotten better, but I believe the root cause is the dogs from Unleashed are rotated in and out of the home every six to eight weeks, therefore never adjusting to their environment. The dogs are never corrected for their barking behavior, they are allowed to bark until the residents get tired of the barking and yell and tell them to come inside. In my opinion, if the Thompsons would spend more time training the dogs not to bark the issue could correct itself. Point number 4, the residents don't clean up the dog poop in the backyard. While I was gone for approximately two months, I had someone house sit for me. The young lady that was house sitting refused to go into the backyard and take care of the things in the backyard because of the smell. I asked her to contact the police, she said she didn't want to get involved and that I could handle it when I got back. Once again, if the occupants of the home would pick up after the dogs at least once a day, the issue could correct itself. Point number 5, I called the police several times and I reported the smell. I reported when they had one dog tethered over two hours to something near the garage. This particular dog was tethered so close to the garage door it could not reach the grass. As the dog stood outside and barked at every car that drove by and every person that walked by. Again, this issue could be resolved if they spent more time training the dogs. Point number 6, the dogs dig under the fence. I have provided Mr. McNeill and Mr. Buehler copies of pictures earlier today, I brought copies with me if any of you would like to see them. Once again, this problem could be resolved if they would train the dogs. Point number 7, the most recent time when I've contacted the City to complain about the residents at 110 Ethel Ln., was Monday the 28th. I contacted Tim Dossey, to notify him that all fall the people at 110 Ethel Ln. have been raking their leaves into the street. This may seem like an unrelated issue, but if people can't clean up after themselves how can they be expected to clean up after six dogs. In closing, I am strongly opposed to the special use permit being renewed for 110 N. Ethel Ln., for the points I've mentioned. Most of the issues could be resolved by the residents spending more time training the dogs, cleaning up after the dogs, and cleaning up after themselves. Since it has been demonstrated time and time again this is not a feasible option. I request no renewal at this time. Please understand I'm not totally against the idea of them having more than four animals, what I am against is the fact that they have not demonstrated that they can handle the added responsibility. Therefore, until they can demonstrate they can handle four animals I don't see why they should be allowed to have six. This concludes my statements, I'll stand by for any questions.
- Councilmember McNeill stated the form here stated that there were no complaints. We either had complaints or we didn't have complaints.

- Police Captain Benjamin Ontiveros stated I did a local records check in our database for the addresses that adjoin 110 N. Ethel Ln. There were associated complaints before September 1st and I've talked with Sarah about this and I believe that was when the previous permit had been approved. Since that time there are no reports listed in our database as far as complaints associated with the animals. There are other issues, or at least Police have been called there for other reasons, but not related to the animals that we have in the Police Department. If he's contacted Code Enforcement, we don't have access to those records.
 - Mr. Nelson stated at least two weeks after the 15 September City Council meeting I called an Officer out because of the smell. He came over and suggested I assist Jerry, who lives behind them, that I mentioned in my statements, to pick up leaves, pick up some stuff in his backyard and hopefully that would alleviate the smell. That's what Tim told me to do.
- Councilmember Pawlowski asked if you call Police and an Officer goes and they don't anything, just talk to him, do they log that.
 - Police Chief Steve Wayman responded normally on a call like that, did you call dispatch or the office?
 - Mr. Nelson replied dispatch, Leavenworth County dispatch because it was after hours.
 - Police Chief Steve Wayman stated when we get called to an address, they do an automatic logging report on whatever it would be. Not saying he didn't, we're just not showing any record of it. Anytime they dispatch us any place they log a case number for us.
- Councilmember McNeill stated one of the things, my reasoning for either approval or disapproval of special use permits is highly based on whether or not that person has had complaints. It's important to know whether or not we've had complaints or no complaints, I know you've been here before, we did the special use permit in September and this is coming up for renewal, we're being told there's no complaints.
 - Councilmember Pawlowski stated but he's complaining.
 - Councilmember McNeill stated I know, but at the time, I mean it's been a year right?
 - Police Chief Steve Wayman replied this one was just approved in September.
 - Councilmember McNeill stated so since September you still had issues.
 - Mr. Nelson stated I've had officers out there twice.
 - Councilmember McNeill stated the actual permit stated two dogs and various other animals, I mean, do we know what the various other animals are or is it another four dogs is it six?
 - Police Captain Benjamin Ontiveros stated from my understanding it's a foster home, so they could have their four animals one week, and they could have all dogs then get rid of those, then the following week, they could have four dogs and two cats.
 - Councilmember McNeill stated so it's a mix.
 - Police Captain Benjamin Ontiveros stated because it's a foster shelter and they are having animals come in and out.
 - Councilmember Gardner stated they hold them there until they go to a different place.
 - Police Chief Steve Wayman stated yes, they foster them until they find a permanent home to take them to, so they would have animals in and out of the house.
 - Councilmember Buehler asked so the pictures that you sent from their yard digging into your yard under the fence.
 - Mr. Nelson replied yes sir.
 - Councilmember Gardner stated if they are only there a short time I don't know how you would expect them to train them or train a dog to behave for a short amount of time before they ship them off somewhere else.
 - Mr. Nelson replied that's kind of my point sir, I get that they want to help animals, I'm not opposed to that, but if their other four dogs, if they aren't training those dogs then the other two dogs that are introduced into the environment are gonna act just the same as the other two.
 - Councilmember McNeill stated it's kind of the issue of having a rescue shelter in the middle of your neighborhood. Most rescue shelters are out on lots of property so they are not normally impacting the residents in a cul-de-sac or in a residential area.
 - Mayor Kirby stated to your point, we're not asking them to get rid of the animals they own, this just probably isn't the right place for a rescue.
 - Councilmember Pawlowski stated but at the same token if they can't handle their own dogs isn't that also a problem.
 - Councilmember McNeill stated but that's a separate issue. The special use permit is for more animals than they can actually have.
 - Mayor Kirby stated so essentially what you'd be doing is they be allowed to keep their dogs, just not be able to operate as a rescue.

- City Administrator Tim Vandall asked would they be able to operate with their two dogs and then two rescue dogs.
 - Councilmember Pawlowski stated they just can't have more than four and they have to be tagged.
 - Councilmember McNeill stated this falls under the same rules as anybody that owns a pet, and if there are complaints like barking and things like that, it's still a violation.
 - Councilmember Pawlowski stated the neighbors shouldn't have bear the brunt of these people not being able to control.
- Councilmember McNeill stated I'm with Kevin, you aren't going to train rescue dogs when you have them for two or three weeks, it's just not possible, unless you're the dog whisperer or something.
- Councilmember Pawlowski asked do we have a motion.
 - Councilmember Buehler stated no we don't.
- Councilmember Trinkle stated the picking up of the poo doesn't matter if it's a rescue or whatever they are, that needs to happen.
 - Councilmember Buehler stated it's just courtesy.

Councilmember Pawlowski moved to deny the special use permit for 110 N. Ethel Ln. Councilmember Studnicka seconded the motion.

- Councilmember Gardner asked if we deny this they are still allowed up to four animals.
 - Mayor Kirby stated correct.
 - Councilmember Gardner stated and if the problems persist then it's...
 - Councilmember Pawlowski stated then they get tagged and ticketed.
 - Councilmember Buehler stated then they get ticketed and ticketed and ticketed.
 - Police Chief Steve Wayman stated they can have up to four animals, it's anything over four they can't have.
- Councilmember McNeill stated I want to clarify that the dogs they currently have, once those go then it's four. If they have six right now, then three weeks from now, the rescue dogs are out, then you don't bring more rescue dogs in.
- Councilmember Pawlowski stated I think the special use permit expires on January 1st right?
 - Councilmember McNeill stated right.
 - Councilmember Pawlowski stated the one that is currently in effect.
 - City Clerk Sarah Bodensteiner stated correct, as of January 1 the permit will no longer exist.
 - Councilmember McNeill stated that gives them a month.
 - Mayor Kirby stated that gives them time to get rid of what they have.
- Councilmember McNeill asked they're not here tonight right.
 - Police Chief Steve Wayman replied no, they are not.
 - Mayor Kirby stated and they are not here. We have a motion to deny, is there any other discussion?

The motion was unanimously approved.

- Mayor Kirby asked so Steve they'll be notified.
 - Police Chief Steve Wayman replied yes they will be.

Parks & Recreation Advisory Board Appointments: Councilmember Buehler moved to appoint Brian Sweet to the Lansing Parks & Recreation Advisory Board for an unexpired term ending December 31, 2017, and to appoint Eric Caldwell, John Orkwis, Tom Pawlowski, Tom Farris, and Cheryl Farris to the Lansing Parks & Recreation Advisory Board for a term ending December 31, 2018. Councilmember McNeill seconded the motion.

The motion was unanimously approved.

Tree Board Appointment: Councilmember Trinkle moved to re-appoint Kevin Gardner to the Lansing Tree Board for a term ending December 31, 2019. Councilmember Pawlowski seconded the motion.

The motion was approved, with Councilmember Gardner abstaining from the vote.

Court Services Contract: Councilmember Pawlowski moved to approve the Court Services Contract as presented. Councilmember Buehler seconded the motion.

The motion was unanimously approved.

REPORTS:

Department Heads: Department Heads had nothing to report.

City Attorney: City Attorney had nothing to report.

City Engineer: City Engineer had nothing to report.

City Administrator: City Administrator Tim Vandall advised that the County would like to have a Joint Meeting regarding the McIntyre Road project to discuss the design and let the public weigh in. The Governing Body thought January 12th would be a good date. Tim will forward that date to the County to see if that works for them. Tim also mentioned that the City has sent the County the modifications to the Memorandum of Understanding for McIntyre road about a month ago and we have not yet heard back. The County staff is aware that the ball is in their court on that document. Tim also mentioned that the street itself is a combination of a collector and arterial road and as such, the standards are a combination of both City and County standards and that all the standards were laid out in the Memorandum of Understanding. Tim also mentioned that KDOT has moved up the timeline on the DeSoto Road project and that effects the timing of the Sales Tax Election and when money would be available. He also discussed options for the timing of the Sales Tax Election and advised the Council to think the options over and we would discuss at a future meeting and he would provide a more definitive timeline. Tim mentioned that in discussions regarding spurring growth, ideas have been kicked around regarding waiving permit fees on new construction. Tim asked the Council and staff to think about this option and other options and we will discuss at a future meeting. Tim advised that we have hired two police officers and they will be starting soon and going to the academy. Tim also advised that he has been in contact with Lan-Del regarding status on the water line to Bernard Park. He stated that Lan-Del is working on the easement acquisitions, and that it is taking longer than they had anticipated, but they are working on them.

Governing Body: Mayor Kirby sends his prayers, thoughts, and gratitude to the officers who have worked the two fatality accidents in the last week. It has been the same guys and he knows how difficult it has been and thanks them for their hard work. He also thanked the community for taking Angel Tree Tags and/or made a donation and that the City Hall tree is all out of tags. Tags do remain at the Library.

Councilmember Gardner congratulated staff for their efforts in getting the flood rating down and that it is another indicator that the City is making strides to be the best City that it can with safety, finances, and efforts like the flood rating.

Councilmember Buehler congratulated the Economic Development and Public Works Department for their efforts on the flood rating. He also provided a fun fact, on this day in 1955 in Montgomery, Alabama, Rosa Parks was arrested for breaking the Montgomery segregation laws by refusing to give up her seat to a white man and it was the start of the Civil Rights Movement.

Councilmember McNeill echoed the congratulations for getting the lowered flood rating.

Councilmember Studnicka stated it's always great to get a break on insurance and it was good work by the staff.

Councilmember Trinkle seconded the sentiments about the flood rating and officer's wellbeing regarding the fatality accidents.

ADJOURNMENT: Councilmember Trinkle moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:43 p.m.

ATTEST:

Louis E. Kirby, Mayor

Sarah Bodensteiner, City Clerk