

**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:** Jesse Garvey

**Ward 4:** Tony McNeill and Gregg Buehler

**Councilmembers Absent:** Kerry Brungardt

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**OLD BUSINESS:**

**Approval of Minutes:** Councilmember Studnicka moved to approve the regular meeting minutes of November 3, 2016. Councilmember Buehler seconded the motion. The motion was unanimously approved.

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

**Presentation: Lansing Visitor & Relocation Guide Photo Contest Winners:** Mayor Kirby presented a plaque and gift card to each of the winners of the Lansing Visitors & Relocation Guide Photo Contest. The winner for the adult category was Elizabeth Perez and the winner for the youth category was Leilani Elena Bateman.

**COUNCIL CONSIDERATION OF AGENDA ITEMS:**

**Unified Development Ordinance – Award of Bid:** Councilmember Studnicka moved to authorize the City to enter into a professional services agreement with Gould Evans for the completion of the Unified Development Ordinance. Councilmember Trinkle seconded the motion.

- Councilmember McNeill stated I have a couple things, first would be that this bid is to do the ordinance for the comprehensive plan we did, correct, in part with the land use.
  - Community and Economic Development Director Stefanie Leif replied it is connected to that so when we did the comprehensive plan that is a standalone document, but there were several action items and suggestions in that ordinance about how to update our codes, change some zoning, and looking at adding some different zoning districts, and so part of that proposal that Gould Evans submitted to us does include looking at some of those areas and we do plan on working with the comprehensive plan suggestions.
    - Councilmember McNeill stated when Jim was here he gave a big speech trying to get us to approve the plan at the time, with the caveat that we would later get the chance to look at the areas that we still had dealings or contention with, and that's never been done to my knowledge.
- City Administrator Tim Vandall stated who gave the speech?
  - Councilmember Gardner replied Jim Pittman.
    - City Administrator Tim Vandall replied I am unaware of that. No one has brought up frustrations about the comprehensive plan to me.
- Councilmember Buehler stated there were a couple of areas in there, I agree with Tony, that we said we didn't agree with and Jim said I think we should pass it because it is better than what we have now, and then go back and address those issues, but we never went back and addressed them.
- Councilmember McNeill stated right, and that's what my concern is that we're going to hire someone to go in and write the zoning based on what was said in the comprehensive plan, and I know there are several areas that I totally disagreed and I was on one of the committees and said that wasn't the decision. If you look at the opinion documents that are in the comprehensive plan, that list, you'll see areas where it said final ideas that they would incorporate, a lot of the ideas from the residential or neighborhood ones there was nothing they incorporated, basically they just said final big ideas nothing, even though there was a lot of comments on do we want to remain a kind of bedroom community, do we want to build stuff, do we want buffers between residential and commercial, do we want areas to be apartment complexes, and a lot of people had contention with that, but it was really never brought forward from the committee into the plan. It was kind of like we'll come up with our own design and let you guy's kind of chew on it. We haven't actually been able to go back and look at some of those areas and determine whether or not that's what we agree with it.
  - Community and Economic Development Director Stefanie Leif stated a couple of answers to that, one is the planning commission has been reviewing the comprehensive plan, it is required by our statute to review the comprehensive plan each year, and the commission has been chipping away at that this year, they are not finished yet and I know there are a couple of commissioners that were aware of some elements they also had issues with and they are going to be looking at it again, so that is one thing that the planning commission is working on. But I think to your concern about is this really what we do end up wanting, we will have public comment opportunities, we'll have a variety of different

public outreach throughout this process, and so I think throughout that we'll be able to really revisit some of those questions and determine if this is really something we want in our community. I would like to mention Chris Brewster who is with Gould Evans is here tonight, so if there is anything, either specific or in general about the process they are planning to do, or how it has worked in other communities, feel free to ask him those questions as well.

- Councilmember Pawlowski stated I think piggybacking on what Tony and Gregg said, it seemed like at the time, and you weren't here for all of that.
  - Community and Economic Development Director Stefanie Leif replied it had been adopted before I started.
    - Councilmember Pawlowski stated there was a frustration among us and some of the community members that some of the things our groups agreed on, there were people on the steering committee that decided what they wanted and kind of ignored what everybody else wanted, and there were some frustrations with the entire process along that line too, and I know there were some frustrations with the contractor, because they felt like we should have just scraped it and started over, and I mean that's all stuff that's happened long ago and you can't do anything about, but I think that if there's a point where we can go back in and give them input; the guys on the planning commission were also on the comprehensive plan committee, Brian I know was for sure, so hopefully he's identified those areas.
      - Community and Economic Development Director Stefanie Leif replied there will be, definitely, as we're talking about either new zoning districts or re-vamping what we already have, or running some different design standards, looking at form base code, that will be part of the public process so we'll be able to look at those and make sure they are really meeting what we're wanting.
- Mayor Kirby asked would it be beneficial to have a joint meeting with them or just have Brian come in one night and kind of give us an update on where they're at.
  - Community and Economic Development Director Stefanie Leif stated on the comprehensive plan, yeah, we can definitely do that. We can do a joint meeting, that might be really the best idea to have a joint meeting with the planning commission, and we can try to do that maybe early next year.
    - Councilmember Gardner stated not so much the comprehensive plan, but the issues that were brought up.
      - Councilmember McNeill stated there is a list and it's in the minutes I believe from the meeting that Jim listed an entire list of things that he said still need a lot of work, but he recommended that we approve the plan for now and then go back later and make adjustments. What I don't want to happen is they'll overlay the ordinance thing on top of that without any of the adjustments. If you're telling me we're going to have an opportunity to do that while still voting in favor of letting this bid, I'm okay with it. I want to make sure I'm on record saying I don't currently agree with the comprehensive plan as it was.
        - Community and Economic Development Director Stefanie Leif stated that's good that you're making that comment now at the very beginning of the process so we can be aware of that throughout.
  - Mayor Kirby asked so we can make that happen. You can get with Brian?
    - Community and Economic Development Director Stefanie Leif replied yeah absolutely. The comprehensive plan is a guiding document and this ordinance is our regulatory legal document, so even if there is something in the comprehensive plan that isn't quite exactly what we want, as long as we have it covered in this legal document the way we want it, then that's really going to take precedent when we're reviewing projects.
  - Mayor Kirby asked is everybody good with that.
    - Councilmember Gardner asked you okay with that Tony, Gregg?
      - Councilmember Buehler stated I'm okay with it as long as we have a chance to review it. Now you said we'll have a chance for public review, will we be able to look at it before the public review? I mean if we sit down with Brian and some of the planning commission guys and go through it and give them guidance as they write it?
        - Community and Economic Development Director Stefanie Leif replied there will be, I don't know if Chris wants to talk about what's going on and how that works with bringing the council in for this project.
  - Chris Brewster of Gould Evans stated thank you for having us and thank you for selecting us. Typically when we go through this, as Stefanie said, first we don't go codify whatever is in your plan if there is a loose fit between the plan and the regulations, so we look at it as enabling tools to implement a lot of different decisions need to be made between the plan and the regulations. What we really strive to do is set up a code and structure that makes a lot of sense for you all, and it can actually survive subsequent plan amendments,

so it's not just immediately tied to the plan, so we definitely understand your concern and it's actually not unusual, we run into that a lot on projects when things are kind of continually revisited. To the process of when you all would be involved, what we typically do is we will do an analysis phase, where we look at, from the outsiders opinion, that's what you're hiring us for, we look at if there's mismatches between your current regulations and the plan, and there is a first input from you all and we'll typically have either, we haven't done this scope yet, but we would have a steering committee or stakeholder meeting and we produce a report that you all can review and where we think the fixes are. From there we go into a sort of discussion phase where we pick the biggest issues and try to look at different strategies on how we implement the plan. So some of those things that are on your list might be some of those issues and there's another level of involvement, and that's before we've even drafted anything for the solutions. So from there we do an initial draft and final draft where there is another round of input, and then what we typically like to do, and I think this gets more directly to your question, we don't want when you all have to adopt this, we don't want when you're asked to adopt this, that this is the first time you're seeing it, there should be no surprises by that point, so a lot of times when we get to the final draft we'll have a joint work session with the planning commission and Council and we can kind of cover the big themes, we wouldn't go through it word for word for everything that's changing, but we'll produce a memo on some of the more significant changes or things that were in your plan that the code didn't necessarily enable that we're trying to change and we'll cover those with you in that setting, so when you do get into the formal adoption you kind of know it well and we get better input from you all at that point as well.

- City Attorney Gregory Robinson asked could you address his question because I think I was here for parts of the discussion I just want to make sure what you're discussing is what he is asking because the plan may say this is for industrial or its commercial or its R-4 areas in the current plan right now, when you write the UDO will it be consistent with the document that's before and valid for the City right now, or will any of your changes to the UDO, or at least this new UDO, conflict with that current document, because what I'm hearing him say is that they're not necessarily in 100% agreement with the plan right now, so if you write a UDO that's either going to be in conflict with that or you're going to write a UDO that follows that, which he's indicating he's not necessarily in agreement with 100%. If you could just address that issue I think that might clarify.
  - Chris Brewster of Gould Evans replied sure, when we do these projects we're usually amending the ordinance and the districts, usually not the zoning map. So you have a zoning map in your community and we may be changing standards within all those districts but what we don't do, we don't go out and look at your comp plan and amend your zoning map to match that, we don't do that. Those are usually project by project decisions, so to the extent you disagree with any of those designations within your land use map, all we would be doing would be affecting the districts that would implement that at a future date, so it's built to withstand changes, and at a later date if you change that land use map, as Stefanie said, that's just a guide for when you come to that point in the future to make that land use change on your zoning map that wouldn't be part of our project here, none of those changes would be made.

The motion was unanimously approved.

**Equipment Replacement Requests:** Councilmember Buehler moved to authorize the lease purchase of up to \$119,000.00 of replacement equipment. Councilmember Gardner seconded the motion.

- Councilmember Studnicka asked is it in the budget and is the equipment we are replacing on the equipment replacement list, and this money is part of our budget right.
  - City Administrator Tim Vandall replied yes, kind of the way Beth had formatted it, we'd enter into a lease purchase around \$120,000.00 or \$125,000.00 for three consecutive years and on the fourth year the next one drops off and we would enter into another one and so on and so forth, so this is budgeted for. One thing I want to give a shout out for, if you guys remember last year's I think we had twelve or thirteen different requests, so I'm really proud of the staff for kind of scaling back and being a little bit more realistic this year with our requests. The four recommendations total amount is \$119,000.00, and one other thing I had a question about earlier too, just to clarify this doesn't mean we're going out and buying them tomorrow, this just kind of gives the department head the green light to go out there and secure bids and things like that, so the things that are over \$15,000.00 will have to come to you guys anyways. If something comes in at \$8,000.00 or \$9,000.00 and you guys are ok with that, I can approve that internally but anything over \$15,000.00, that's you guys.
- Councilmember Garvey asked why does the agenda page say the total cost of the requested items is \$183,000.00.
  - Councilmember McNeill stated that was for all the requested items, but he approved the four.
    - City Administrator Tim Vandall replied yeah, sorry about that I should have been more clear with that.

- Councilmember Studnicka said yeah that was all the items together, but we're only doing the four.

The motion was unanimously approved.

**Executive Session – Consultation with Attorney:** Councilmember Pawlowski moved to recess into executive session for consultation with an attorney on matters that would be privileged in Attorney-Client relationship for 15 minutes, beginning at 7:18 p.m. and returning at 7:33 p.m. Councilmember Buehler seconded the motion. The motion was unanimously approved.

Councilmember Pawlowski moved to return to open session at 7:33 p.m. Councilmember Buehler seconded the motion. The motion was unanimously approved.

## **REPORTS:**

**Department Heads:** Community and Economic Development Director Stefanie Leif briefed the Governing Body on the Special Meeting the Planning Commission held regarding the ice machine located next to Petro Deli. She advised that staff and the Planning Commission added additional requirements to the Main Street Overlay District criteria for the owner of the ice machine to meet and that the Commission will hold another meeting on December 7<sup>th</sup>. She also advised that the item will come to the Council for approval at a future date.

Wastewater Utility Director Tony Zell advised that Linaweaver Construction has finished up the 7 Mile Creek Project minus some seeding in areas and that the 9 Mile Creek Project began last week.

**City Attorney:** City Attorney had nothing to report

**City Engineer:** City Engineer Matt Harding briefed the Governing Body on the Field Check Plans meeting he attended with Public Works Director Jeff Rupp for the DeSoto Road Project. The field check plans are the first submittal, in a series of plan submittals, and often there are significant amounts of design details missing from this set of plans. This field check has most of the bones that will be fleshed out in later submittals. A variety of topics were discussed and there were certain items on the plans the engineer recommends be done that are not in compliance with the Lansing Technical Specifications. Matt addressed the items that have mismatched specifications with the Governing Body.

**City Administrator:** City Administrator Tim Vandall advised that he has received a request from the County to have a joint meeting to discuss the McIntyre Road Project. Tim will follow up with County in regards to the specifics of the discussion topics as the City has been clear and consistent in regards to the design of the project. He also advised that LCF has notified the City that due to staff shortages they will cease mowing highway right-of-way and that the City will need to look at costs in regards to contracting the mowing out or the costs associated with doing the work in-house. Tim will update the Council with new information.

**Governing Body:** Councilmember Studnicka congratulated the photo contest winners for the Visitors & Relocation Guide.

Mayor Kirby advised that he attended the Town Hall Meeting hosted by the police department and church leaders in the community. They will be hosting another meeting in the future and he encouraged people to attend.

Councilmember Gardner congratulated the photo contest winners.

Councilmember Pawlowski asked if the City could review the rate structure for the wastewater rates as the 7 Mile and 9 Mile projects came in under bid.

- Mayor Kirby advised that that has been discussed and that we are looking at the numbers.
  - City Administrator Tim Vandall clarified that it would not be a rate decrease, but the rate increase would potentially be less than originally slated.

Councilmember Garvey addressed an email he received, along with others, regarding trash on the highway resulting from trash being mowed over by KDOT. He asked if the City could reach out to the Transfer Station, KDOT, or civic groups about keeping the highways clean of debris before mowing.

Councilmember Buehler provided a fun fact, on this day in 1970 a guy named Douglas Engelbart received the first patent for the first computer mouse.

**ADJOURNMENT:** Councilmember McNeill moved to adjourn. Councilmember Trinkle seconded the motion. The motion was unanimously approved. The meeting was adjourned at 8:05 p.m.

**ATTEST:**

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Louis E. Kirby, Mayor

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Sarah Bodensteiner, City Clerk