

**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 and Kerry Brungardt

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

**Councilmembers Absent:**

Councilmember Studnicka addressed the audience: this evening I have the sad news to report that Thomas Edward Smith, a friend of mine, Tom and I are fellow citizens here, we went way back to college back at Creighton, where we graduated, that's where I first met Tom. We both retired from the Army here and just by destiny retired here, and we were friends all those years since the late 60's, when we were in college. Tom was a community guy, raised his family here, for years he was on the planning commission then he was on the school board, and he was the president of the school board back in '97 when we built the current middle school. Tom most recently, before he passed away, was on the board of zoning appeals, he was also active in his church, our church, Saint Francis De Sales Catholic Church, he was on the pastoral council for a number of years, and he was also on the finance committee. So if I could ask for just a moment of silence and prayers for Tom and his family, above all he was my friend. Thank you very much. I think I forget to mention that he was on this council from Ward 4 for a couple of years, he replaced Mr. Ketchum, when Mr. Ketchum left, again thank you.

**OLD BUSINESS:**

**Approval of Minutes:** Councilmember Buehler moved to approve the regular meeting minutes of April 7, 2016, as presented. Councilmember McNeill seconded the motion. The motion was unanimously approved.

**NEW BUSINESS:**

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

**COUNCIL CONSIDERATION OF AGENDA ITEMS:**

**Treasurer's Report for Quarter Ending March 31, 2016:** Councilmember McNeill moved to approve the Treasurer's Report for quarter ending March 31, 2016, as presented. Councilmember Buehler seconded the motion. The motion was unanimously approved.

**Lansing Planning Commission Appointment:** Councilmember Buehler moved to appoint Chad Neidig to the Lansing Planning Commission for a three year term expiring April 30, 2019. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

**Lansing Board of Zoning Appeals Appointments:** Councilmember Buehler moved to appoint Mike Suozzo and Tim Cahill to the Lansing Board of Zoning Appeals for a three year term expiring April 30, 2019. Councilmember Pawlowski seconded the motion. The motion was approved with Councilmember Gardner abstaining from the vote.

**Ordinance No. 961 – Tobacco Purchasing Age:** Councilmember Pawlowski moved to approve adopting Ordinance No. 961, raising the purchase age of tobacco products from 18 to 21, as presented. Councilmember Trinkle seconded the motion.

- Councilmember Gardner stated has anyone else been struggling with this like I have.
  - Councilmember McNeill stated I have.
    - Councilmember Gardner stated I'm all about doing whatever we can for the kids, but we also represent the citizens, and the point that was brought up at the work session was they are only half a mile away from taking their business to Leavenworth or somewhere else if they are going to have a cigarette. I'm not sure I feel as strongly as I did earlier even though I would do whatever I could to help the kids out, I just don't think this avenue, unless Leavenworth and everyone else around us, was doing it, I don't think we're going to curtail much of it with an ordinance, as much as we would with education.
- Councilmember Brungardt stated the only thing I would say Kevin, and you make some good points, I've given this a lot of thought and I'd like to be a community or city that was at the forefront of making this decision and doing what's right for kids. Maybe we'll take the lead on this and others will follow, that's what I hope will happen if it would pass, so that's my thoughts on it.
- Councilmember McNeill asked did Leavenworth even vote on this.

- Councilmember Pawlowski replied no.
  - City Administrator Tim Vandall responded they did not, no.
- Councilmember McNeill stated I kind of wish we had a chance or opportunity to go talk to Leavenworth as a City Council where we could actually do something. If you had Leavenworth, Lansing, and Basehor, that puts us, that puts people who are 18, have to go all the way down to Legends or across the river; to me that would be fairly effective. As we do it here, they go across Eisenhower, so I don't know how effective it is, and I understand your point about being on that side and I agree with that as well. I'd like it to be more effective and I kind of would like to do it as a team effort with Leavenworth if you could. I don't think just us voting is going to do much.
  - Councilmember Gardner asked Bonner Springs they did go for this.
    - City Clerk Sarah Bodensteiner replied Bonner Springs did.
      - Councilmember Gardner asked what about Tonganoxie.
        - City Administrator Tim Vandall replied I haven't heard.
          - Scott Hall with the Greater Kansas City Chamber of Commerce stated it has passed in Bonner Springs and has not passed in Tonganoxie.
            - Councilmember Buehler asked did it not pass or has it not been voted on.
              - Scott Hall with the Greater Kansas City Chamber of Commerce replied it hasn't been, to my knowledge, it hasn't been brought to council consideration.
            - Councilmember Buehler asked and Basehor?
              - Scott Hall with the Greater Kansas City Chamber of Commerce replied or Basehor.
          - Councilmember Pawlowski asked Wyandotte County.
            - Scott Hall with the Greater Kansas City Chamber of Commerce responded the Unified Government of Wyandotte County KCK has passed it and it has also passed in Bonner Springs. It has not passed yet or been considered in Edwardsville.
  - Councilmember Brungardt stated I'd like us to set the standard.
  - Councilmember McNeill asked and we're good that it's a local ordinance, it doesn't have to be a charter.
    - City Administrator Tim Vandall replied correct, we confirmed that, because we're not going against a state statute, we're just making an existing statute more restrictive, so we're fine being a regular ordinance.
      - City Attorney Greg Robinson stated I agree.

The motion was approved with Councilmembers Studnicka, Garvey, and Buehler voting against the motion.

**Angel Falls Project – KDOT Inspection Supplemental Agreement:** Councilmember Buehler moved to authorize the Mayor to execute the Angel Falls Supplemental Agreement No. 1 in the amount of \$7,422.41, which increases the contract amount to \$52,488.50 and attach his signature of approval thereto. Councilmember Gardner seconded the motion.

- Councilmember Pawlowski asked can you explain this.
  - Public Works Director Jeff Rupp replied let me try to explain this. The original agreement for the engineering services was at \$45,066.09, within that amount there was a net profit fee, they call it a net fee, for the engineers to make \$5,660.93, that's included in that forty-five thousand dollars. Early on in the project, it looked like MHS had requested \$880.04 as an increase for what they determined was going to be more inspection time, so that number, the \$5,660.93 plus the \$880.04 equals the \$6,540.97, which you'll see on the actual agreement that's the number that was scratched out because it was an error on KDOT's part, I think that was just a transposition of some kind of false number there, they meant to write in \$6,540.97, as I just described it, it doesn't change the grand total, they just made a mistake on that number, and they told me to initial it and they would pass it on their end, so that's why that number has changed. So the only thing that is a little bit cloudy is that the original \$880 that they requested at the beginning of the project is included in this seven thousand dollars. So what it is is their grand net fee over the original cost, this seven thousand dollar figure, the \$7,422.41, that's all inclusive net fee because there was an extra 10 days as they got into the project at some point in time that needed 10 more days inspection, so I guess it went through the full cycle of everybody and it was all approved and it's just now been processed. So it's all inclusive of the 10 extra day's inspection plus that \$800 that I already spoke about that happened at the beginning that's all inclusive, so it brings the new total to the project to what's written in the document.
- Councilmember McNeill stated are they expecting us to pay them now or in 9 months.
  - Public Works Director Jeff Rupp replied I think we'll get an invoice.

- Councilmember Pawlowski asked someday can we just know exactly how much that whole project cost.
  - Mayor Kirby replied sure.

The motion was unanimously approved.

**DeSoto Road Supplemental Agreement:** Councilmember Brungardt moved to authorize the Mayor to execute the supplemental agreement for engineering services at an amount of \$202,550.00. Councilmember Pawlowski seconded the motion.

- Councilmember Pawlowski asked where is this money coming from.
  - City Administrator Tim Vandall replied the Capital Improvement Fund. In the original agreement we were reimbursed 80% for the engineering costs, and since that's not changed in the supplemental agreement, we would still be reimbursed 80% for the re-design costs also. We're going to need to double check and verify how long it takes for us to be reimbursed, but I think another thing about this too is that the re-design is going to take place over a couple of years, so it's not like we're going to have to write a \$200,000.00 check next week, it will be over time.
- Councilmember McNeill asked will we get reimbursed 80% of the \$200,000.00.
  - City Administrator Tim Vandall replied yes, but then keep in mind, the negative of that is that is a little bit less money for the construction costs, but yes, we would be reimbursed for that.
- Councilmember Pawlowski asked could we use, the next item on the agenda is the Federal Fund Exchange, could we use that money to supplement that if we need to.
  - City Administrator Tim Vandall replied I believe so, yes.
    - Councilmember Pawlowski stated I thought we were going to try banking that, I know that's the next discussion, but I thought we were going to try banking that money to put towards DeSoto.
      - Mayor Kirby stated let's get this one out of the way and then we can talk about that.

The motion was unanimously approved.

**City/State Federal Fund Exchange Master Agreement:** Councilmember McNeill moved to authorize the Mayor to sign the 2016 City/State Federal Fund Exchange Master Agreement and exchange request. Councilmember Studnicka seconded the motion.

- Councilmember Pawlowski stated as I remember from the Federal Funds Exchange, there's a fee that the State takes out of that.
  - Finance Director Beth Sanford replied yes.
    - Councilmember Pawlowski asked is this before or after the fee is taken?
      - Finance Director Beth Sanford replied this is after.
- Councilmember Pawlowski stated and as I remember, and I know we've had several discussions about this, but as I remember when we talked about doing Gambles Street, because we had spent all of our federal funds exchange money on Angel Falls Trail that we were just going to pay for Gambles Street out of the General Fund because we'd had all this sales tax money come in. So my question is, I thought, and along with that, I thought that we were going to try and save the money in the Federal Funds Exchange and protect it for DeSoto Road.
- Finance Director Beth Sanford replied as far as the Angel Falls funds, part of that money we exchanged did go towards the Angel Falls project, we had additional funds remaining that we then used, and we've been reimbursed for a part of Gambles Street already, the remainder that we have not been reimbursed is this \$80,000.00. So I went back, because I couldn't remember because it's been a year, and looked at those minutes and there was discussion, because we couldn't, we were going to do this project in 1 year, but we weren't going to have all those funds available, we'd have to wait for more funds to come available this year, so the intent was to use reserve funds from the General Fund, we had a healthy General Fund Reserve, to offset the costs at the time that we incurred them with the intention of then, this year, coming back and asking for reimbursement from those funds. Now, this project has already been paid for through these reserves so it would be at your discretion as to whether you want us to submit for reimbursement, a request for reimbursement for the remainder of this project or if it would be your intent to bank all of the funds.
  - Councilmember Pawlowski stated we've had this discussion before, we can just leave it there at the State and it will just sit there. Now my next question is, can they take it? Because they're having this little problem with cash flow right now.
    - Finance Director Beth Sanford replied I can't speak to that, I'd have to do further research.
      - Councilmember McNeill stated if they have it, we should take it.
        - Councilmember Pawlowski stated they keep sweeping money out of different accounts.

- Finance Director Beth Sanford stated the only thing this document does, is it pull the funds into the State, so that we have them available to request reimbursement, this is not a request for reimbursement for Gambles, we'd have to submit that out.
  - Councilmember Trinkle asked but there's nothing that says they can offer them to us again anytime soon either correct.
    - Finance Director Beth Sanford replied that is correct. And really I'd have to say I was not involved in this process a lot, John Young was really in charge of this area, but I do recall from Council Meetings and some of the minutes, he would say we're uncertain what is going to happen next so we could get another distribution or we could just get 1 a year, it's just dependent on the State.
- Councilmember McNeill stated we talked about how much we had in the reserve and if we could use some of that and then that was the discussion of paying it back, so that second bullet here in 8 is about exchanging funds so we can pay back our reserve, that's the payback.
  - Councilmember Buehler replied so it goes back into our reserves.
- Councilmember Pawlowski stated we've had this discussion before and not trusting what the State is going to do with our money is part of my problem with even discussing this since they are such a mess right now, but we had discussed leaving the money there a couple of years ago so we wouldn't pilfer it and save it for a big thing.
  - Finance Director Beth Sanford replied that money does not come to us unless we request it for reimbursement for an approved project, I believe, we can't just go hey we just spent money on repairing this street we'd like a reimbursement.
    - Councilmember McNeill stated I know, but you could bank it all the way up until we do DeSoto, pay for DeSoto and ask for reimbursement with whatever funds we have.
      - City Administrator Tim Vandall stated assuming it is an approved project yes.
        - Finance Director Beth Sanford stated and I think there is a 3 year limit on banking it.
- Councilmember McNeill stated my other question would be if we do exchange and vote to exchange, would we not pay that \$7,422.41 with the exchange money instead of paying that out of wherever.
  - City Administrator Tim Vandall replied we could, I'm sure we can find \$7,000.00.
    - Councilmember McNeill stated I mean we used it for Angel Falls to begin with right.
      - City Administrator Tim Vandall stated I'm not sure what line item we took Angel Falls out of, but I'm sure we can find \$7,000.00 in a line item somewhere.
- Councilmember McNeill stated I do have 1 other question, so we did take money out of the reserve fund for the purpose of exchanging it to pay back our own fund, right, so where are we at with the reserves right now. I mean if you banked it and we didn't exchange it to pay our reserve back are we still good and healthy, and if we are then really the determination is do we bank it and save it for DeSoto or do we want to exchange it.
  - Councilmember Garvey stated then again, that's if DeSoto qualifies, what if you bank it and it doesn't qualify.
    - Councilmember Pawlowski stated it's a KDOT Project.
      - Councilmember Buehler stated why wouldn't DeSoto qualify.
- Councilmember Pawlowski stated my preference would be, personally, to leave it there and let it grow and use it for DeSoto Road because that's a huge project for us, but can the State take it.
- Councilmember McNeill asked what is it, 90 on the dollar?
  - City Administrator Tim Vandall stated I thought it was 95.
    - Finance Director Beth Sanford stated I think it's 90.
      - Councilmember Pawlowski stated I think they take 10%.
        - Councilmember McNeill stated it think it's 90 on the dollar. Who here didn't get their tax money back last year from the State for like 8 months, so if we have the money available I say exchange it. Can't we bank it, put it in our reserves and then we use that whenever.
          - Councilmember Pawlowski asked you mean put it there and not touch it.
            - Finance Director Beth Sanford stated I think we hit that 3 year limit again too.
          - Councilmember McNeill stated if we bank it, it might not be there anymore.
        - Councilmember Buehler stated if we exchange it, it goes to the State, and then the State reimburses us for approved projects, so if we exchange it and these Federal Funds fall under State control. If we don't exchange it, it falls under...where is the money?

- Finance Director Beth Sanford replied it stays at the Federal level, and you're limited.
- Councilmember Buehler stated it stays at the Federal level, designated to us for up to 3 years. So basically what we're saying is, the Feds are going to give the money to the State and we will only get the \$80,000.00 back that we request for reimbursement and the other \$50,000.00 still stays at the State until we have an approved project to get that other \$50,000.00 from.
  - Councilmember Studnicka stated correct.
- Councilmember Buehler stated so the State has it instead of the Feds.
  - Councilmember Pawlowski stated I don't know where we're safer.
- Finance Director Beth Sanford stated Jeff can probably talk more to types of approved projects, Federal versus State that you can get refunding for. Because I think if we leave it with the Federal, the scope of projects is more limited based on our understanding.
  - Councilmember Pawlowski stated well it has to come through the State to get to us right.
- Public Works Director Jeff Rupp stated the thing about the Federal Funds is that there are a lot of entanglements and a lot of restrictions, and the reason why most entities would go with the State is because there is more freedom in what you can do, there is a lot more leniency for the way you operate and manage projects.
- Councilmember Buehler asked so we can bank it at the State for up to 3 years.
  - Finance Director Beth Sanford replied yes.
    - Councilmember McNeill stated and it's secure when we bank it, I mean that's my question. There isn't much secure in the Kansas budget right now, in my view.
      - Mayor Kirby stated but its Federal money.
        - City Attorney Greg Robinson stated that is a good point Mayor. With all the sweeping and fund changes you see at the State level, usually within State agencies, State collections, you don't really see Federal funds being earmarked for certain projects being swept up.
          - Councilmember Pawlowski stated but you can't put much beyond them these days.
            - Mayor Kirby stated I'd like to think that being Federal funds, Topeka wouldn't.
              - Councilmember Pawlowski stated an organization I belong to, they swept our funds and they weren't tax dollars they were fees, they just took them and then you have to sue them to get it back, it's like getting blood out of a turnip.
            - Mayor Kirby stated I think with it being Federal money, it puts it in a little different ball game.
          - Councilmember Brungardt stated I agree.
        - Councilmember Studnicka stated I do too.
      - Mayor Kirby stated the State is just handling it for the Federal Government, it's not the State's money.
        - Councilmember Pawlowski stated 10% is.
  - Councilmember McNeill stated but while it stays there banked it's not, if you exchange it you can use it for a lot of other things. If you don't, then it's limited to some Federal approved project.
    - City Administrator Tim Vandall stated if we get this \$80,000.00 back, we can spend it on police cars or something like that because it comes fully to the City.
      - Finance Director Beth Sanford stated it may be that you want to reimburse the City and then not reimburse the General Fund.
        - Mayor Kirby stated that's what it says Tony, the remaining funds will be banked for use on future City projects.

The motion was unanimously approved.

## **REPORTS:**

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

**City Engineer:** City Engineer Matt Harding reported that he has begun the culvert inspection process, and he and Jeff Rupp are working together to work out bugs and getting all the parts, pieces and locations put together.

**City Administrator:** City Administrator Tim Vandall reported that the upcoming edition of the Lansing Connection will include a survey about how the community views the Connection and it will also be available on the City website.

He reminded those who RSVP'd that the Lansing Education Breakfast is Friday, April 22 at 7:00 a.m. at the High School.

**Governing Body:** Councilmember McNeill asked if the City could set up a meeting with the Leavenworth Commission in regards to the Tobacco 21 Ordinance and getting them onboard.

Councilmember Brungardt reminded people to attend the LEF Breakfast to support all the hard workers and it is a great community event. He also congratulated the husband of City Clerk, Sarah Bodensteiner for being newly promoted to a principal position in Leavenworth School District.

Councilmember Studnicka asked if Code Enforcement could look into the property at 431 Hithergreen for potential violations. He asked that the City look into some signage or disposal areas along our trails for pet owners to dispose of waste instead of it being left on the trail itself, as he has received some complaints about it.

Councilmember Trinkle asked if the Interlocal Agreement with the County regarding the projects using the 1 cent sales tax renewal could be reviewed to see if we can deviate from the Agreement and chip and seal McIntyre Road and moved the saved money from that over to improving 147<sup>th</sup> Street.

- City Administrator Tim Vandall stated he would re-read and re-review the Interlocal Agreement to see if any deviation from what was previously signed is possible and report back.

Councilmember Trinkle provided a fun fact, flamingos can only eat with their heads upside down.

Councilmember Gardner sent congratulations to Sarah's husband, and also stated he knew Tom Smith as he was on the Parks & Recreation Advisory Board. He stated he was extremely easy to talk to and very professional, he definitely will be missed.

Councilmember Pawlowski seconded Councilmember Gardner's remarks.

Councilmember Garvey thanked the newly appointed and re-appointed volunteers and all the volunteers with the City.

Councilmember Buehler thanked the volunteers and stated that the City can't do what it does without them. He also provided a fun fact, on April 21, 1910, Mark Twain died.

**ADJOURNMENT:** Councilmember Buehler moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was approved with Councilmembers Trinkle and Garvey voting against the motion. The meeting was adjourned at 7:37 p.m.

**ATTEST:**

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Louis E. Kirby, Mayor

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Sarah Bodensteiner, City Clerk