

**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:** Kerry Brungardt and Jesse Garvey

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

**Councilmembers Absent:**

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**OLD BUSINESS:**

**Consent Calendar:** Councilmember Trinkle moved to approve the regular meeting minutes of October 15, 2015. Councilmember Garvey seconded the motion. The motion was approved, with Councilmember Brungardt, Studnicka, and Buehler abstaining from the vote.

**NEW BUSINESS:**

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

**Presentation: Kansas Reads to Preschoolers Week Proclamation:** Mayor Kirby presented a Proclamation to Lansing Community Library Director Terri Wojtalewicz who thanked the City Council, Library Board, the Friends of the Library, and Community for support of the Library and its programs.

**COUNCIL CONSIDERATION OF AGENDA ITEMS:**

**Ordinance No. 953 – Codification of Ordinances for the 2015 Code of the City of Lansing:**

Councilmember Trinkle moved to approve Ordinance No. 953 adopting the Code of the City of Lansing, codifying all ordinances. Councilmember McNeill seconded the motion. The motion was unanimously approved.

**Ordinance No. 954 – Fine, Bond, Court Fees & Costs, and Motor Carrier Fine Schedules Established by the Municipal Court Judge:**

Councilmember Buehler moved to approve Ordinance No. 954 establishing the fine, bond, court fees & costs, and motor carrier fine schedules for Lansing Municipal Court as presented. Councilmember Garvey seconded the motion. The motion was unanimously approved.

**Ordinance No. 955 – Approval of Fee Schedule:** Councilmember Trinkle moved to approve Ordinance No. 955 accepting the updated fee schedule as presented. Councilmember Buehler seconded the motion. The motion was unanimously approved.

**Library Board Appointments:** Councilmember Brungardt moved to appoint Marlee Marshall and Shanna Persin to the Lansing Community Library Board for a 2 year term ending September 30, 2017. Councilmember Trinkle seconded the motion.

- Councilmember Pawlowski asked were these positions advertised like the rest.
  - Mayor Kirby replied yes.

The motion was unanimously approved.

- Mayor Kirby stated I happened to be in on the interview process for both of these ladies and it was obvious to me that they are very energetic and both bring different strengths to the Board and I think we're lucky to have them.

**Equipment Replacement Policy:** Councilmember Trinkle moved to approve the Equipment Replacement Policy as presented. Councilmember Studnicka seconded the motion.

- Councilmember Pawlowski stated this talks about useful life and condition and stuff, but I just want to make sure that we won't be going out and buying stuff just because it comes up on the list for that year to buy unless we need it replaced.
  - City Administrator Tim Vandall replied yes, we won't be going out and buying equipment just because it's 4 years old or something like that, you have my word on that.
- Councilmember McNeill stated I thought back when we were talking about equipment replacement, that we were going to do something about the police department having their own separate policy and fund. I mean, basically what we've got is a seeder, something that seeds grass, competing with a police vehicle, so if you start racking and stacking priorities, none of that other equipment is ever going to make it through the pipeline because we're going to keep going for police vehicles. Is there a way to set off a portion of the revenue from

the Police Department every year, going into their own fund and then we take the funding out of the general fund to do equipment replacement for the other departments.

- Finance Director Beth Sanford replied we do have a Police Equipment Reserve Fund; however it does not generate enough revenue to pay for police vehicles. We paid for the radios, that they purchased this year, from that reserve fund. It's an additional \$5.00 on tickets that goes into that fund.
  - Councilmember Garvey stated didn't they purchase a couple of vehicles out of their fund and a couple out...
    - Finance Director Beth Sanford replied that was with the alcohol liquor fund.
      - Councilmember Trinkle asked is that fund still active, where they can do that every year.
        - Finance Director Beth Sanford replied special alcohol that had built up for many years that we were spending it on that reserve, so it doesn't generate enough. The only revenue to that fund is the local alcohol liquor tax which is about \$8,000.00 a year.
          - Councilmember McNeill stated every year we estimate what we think the police department is going to bring in on revenue right, so we base our next year budget on what they thought they were going to bring in, and that has gone up or done a little bit, but most of the time I've seen it go up, so we're budgeting against something that was a previous low and we end up making another \$100,000.00 over what they would have made and in my view that should just go into their reserve fund and then buy 3 police vehicles to replace instead of us putting that into this budget and using this policy to try and buy other equipment for other departments. It puts us in a precarious position to vote/prioritize police safety versus a grass seeder and it's not fair to the other departments, but I think we need to come up with some other methodology to feed that fund for the police department.
- Councilmember Pawlowski stated I talked to Tim about it one day this week and I told him I felt like we needed to, because I feel like we have this discussion way to often too, how many police cars are we going to buy this year, how much money do we have and I think that we need to decide on a replacement schedule, we can't have our guys out there driving police cars with 150,000 or 160,000 miles on them, it's not safe.
  - Councilmember McNeill stated I know, that's the same issue. I think it needs to come out of a different fund, so we're not competing the other departments against the police department.
    - Councilmember Brungardt stated you both are saying the same thing.
      - Councilmember Gardner stated what do we need to do to get to that point as a council.
        - Councilmember McNeill stated I think you have a similar policy for the police department, a replacement policy for the police department, and Tim I'll let you figure that out.
          - City Administrator Tim Vandall stated if we begin something for the next budget season it wouldn't take effect until 2017, so I don't know what we can do in the interim to address that.
            - Councilmember Pawlowski stated I don't think we're asking for immediate.
              - Councilmember McNeill stated we're going to end up having to use the current policy, but we ought to be thinking that phase.
                - City Administrator Tim Vandall stated we [Finance Director Beth Sanford] can get together and figure something out.

The motion was unanimously approved.

**Equipment Replacement Request:** City Administrator Tim Vandall stated this is the first year for staff doing this and first year for you guys too, so if my explanation wasn't the best I apologize for that, but Beth, correct me if I'm wrong, but what we're looking for is more of a green light from you guys to go ahead and get bids on specific pieces of equipment or Beth to get the ball rolling on a lease/purchase. The first part of that is it's easier to get bids on maybe 3 or 4 pieces of equipment than 16, and then Beth would get the ball rolling on a lease/purchase that would be executed in 2016, do you guys have any questions on that so far.

- Councilmember Trinkle asked would this come back to a study session before it goes back to be voted on. How do we discuss when the bids come back?
  - Councilmember McNeill stated when the bids come in they'll recommend we purchase it.
    - City Administrator Tim Vandall stated that would be more of another formal recommendation, but all of the equipment that would be requested is over \$15,000.00, so you guys would have to formally approve it by motion at a meeting at that time too. I guess what I would say is, I hope you guys give us the green light, I hope if nothing changes, we don't change our mind, but at the same time, if x, y, z happens in the next 2 or 3 months, or if our financial situation changes, or if we need a different piece of equipment, I think you guys have the ability to change your mind, I hope we don't do that unless something unforeseen happens.
      - Councilmember Trinkle stated that's what we talked about doing, just like Tony, I agree with Tony, we've got to know what it costs and where we're going to pay for it.
- City Administrator Tim Vandall replied in the spreadsheet we put in the agenda materials, I believe the police department ones those were pretty close costs, but other than that all the other costs were just general estimates. So if you see something that is \$10,000.00, it might come in at \$9,800.00.
  - Mayor Kirby stated I think what we'd like to see, and I've talked about this several times, I'd like to see how many cars and or trucks each department has and when they tell us they've spend 'this much' fixing it, which means what? Putting tires on it, which to me is routine maintenance, what are they calling repairs or what would be what I would normal maintenance.
    - City Administrator Tim Vandall stated and that is something I believe Beth would be able to look up, but I don't have that tonight.
      - Mayor Kirby stated I think if we can have that moving forward it kind of helps us. If you spend \$20,000.00 on a piece of equipment, did you put a new motor in it, what did you do.
        - City Administrator Tim Vandall replied I get that.
          - Mayor Kirby stated I know where I work, some of it is maintenance and some of it is fix, and there's a difference. Just to say we spend x amount of dollars on something, well x amount of dollars doing what?
            - Councilmember Pawlowski stated like you said too, you put a new transmission in a vehicle that makes it good to go for a while longer, so you don't want to spend good money.
              - Councilmember Trinkle stated if you've got a transmission that needs to be decided if you're going to put a transmission in it or get rid of it.
            - Councilmember Pawlowski stated you don't want to fix it then get rid of it.
    - City Administrator Tim Vandall stated so on those things I'll pass on to you guys here in a minute, I'll make sure that Beth has numbers for that, or do you want her to get numbers on everything on this list, or just the ones on this list?
      - Mayor Kirby stated just the ones you're going to pass on to us.
    - City Administrator Tim Vandall stated the recommendations that I wanted to pass on to you guys first off 2 police vehicles, the rough estimate is at \$32,000.00 each, per vehicle, and that's outfitting costs and everything.
      - Councilmember Pawlowski asked are we supposed to talk about what kinds of vehicles we're getting.
    - City Administrator Tim Vandall stated I've spoken to Captain Ontiveros about that and I don't think a final decision has been made yet on what kind of police car. The 2 police vehicles puts us at \$64,000.00. The next recommendation, if you guys go down a little bit, number 3 on the street department list, the 1999 Ford F-350 and this one's going to create a little more discussion, the estimated replacement cost is \$71,000.00, but the thing that I had mentioned to staff was if we remove the salt spreader and also hopefully with trade-in costs, hopefully we can get that in an amount where the total cost is one twenty-five for everything, so obviously that's one of those things where if the bid comes in significantly higher, we don't have to get it. Part of the reasoning there is, like you had said, we've spend \$15,000.00, I don't know exactly what those repair costs were, but it was \$15,855.00 there in repair costs. The second side of this if you guys look at number 1 on the street department requests, that's \$150,000.00 for a 1992 Ford F-700 dump truck. I had told staff that is it going to be tough for us to replace that this year, next year, in the next several years, so if we're not able to replace number 1, and we let that go out to pasture in the next few years, it would be nice if we had 1 newer truck.
      - Councilmember Pawlowski stated I have such heartburn with these, but we have lots of dump trucks, or at least it appears on the sheet that we have a lot of trucks, are we positive we need all of those?
        - City Administrator Tim Vandall replied like I said, part of the recommendation and the reasoning behind it is that we wouldn't replace number 1 when that comes up. So we'd be net

1 less, eventually. That being said if it's running adequately now, we keep it in service, but if we had \$10,000.00 worth of repair costs, I'm not sure we'd replace it. That's kind of a 2 pronged approach to that. The second side of that is I don't know what that would do to snow removal.

- Councilmember Garvey stated there's a difference between a running truck and a truck pushing snow too.
    - Mayor Kirby stated and that's why I said I'd like to see how many trucks, and how many of those push snow.
- Street Superintendent Jeff Focht stated they all push snow except 1. I've got a sterling tandem axel, I've got 2 single axel dump trucks, I've got 3 one tons, and I've got an old Ford Ranger, that's what I have sir.
  - Mayor Kirby stated but that doesn't count you push snow too, right?
    - Street Superintendent Jeff Focht stated yes, Parks does, right, three.
      - Councilmember Pawlowski stated and that's 9.
        - Councilmember Studnicka stated that's 9 so far.
          - Street Superintendent Jeff Focht stated if we lose that 92 single axel that plows snow and trees. So if we lose that it's going to take us about 6 hours to treat the City. I have 4 sanders, 3 big sanders and 1 little one.
  - Councilmember Pawlowski stated and Tony has a truck that pushes snow too right?
    - Street Superintendent Jeff Focht state he has a 1 ton, yes ma'am he does.
  - Councilmember Gardner stated when you talk about those 6 hours, you mean 6 hours more or total.
    - Street Superintendent Jeff Focht stated 6 hours total. Usually with my 4 trucks we can treat the City in 4 hours, but if I lose a big truck I'm in a couple more hours. Last year, I lost 2 trucks last year, and it bumped me up to 8 hours to treat the City because I've got no spares, so when it goes down, we're done.
      - Councilmember Garvey asked what's that do to your labor costs, man hours.
        - Street Superintendent Jeff Focht replied oh it hurts us, especially when you drop vehicles, it makes it more time to clean the City. If I've got every truck out we can clean the City in 12 hours, standard snow, but every time I lose a truck, it just puts us farther back, and you've got 88 cul-de-sacs.
          - Councilmember Trinkle asked how many miles of street do we have now Jeff?
            - Street Superintendent Jeff Focht replied I think they said 70 some miles, I think, about 72 something like that. And all the sidewalks too.
    - Councilmember Trinkle asked do you still use the rangers to do the sidewalks.
      - Street Superintendent Jeff Focht replied yes, sidewalks, and the curbs, the cul-de-sacs, City Hall parking lot, Library, Public Works.
        - Councilmember Pawlowski asked how many of those are there.
          - Street Superintendent Jeff Focht replied we have 3, there's 2 over at public works and I've got an old one down at the shop that we plow with.
    - Mayor Kirby stated if we can get this all put together so we can go forward with this. If anyone has something in the next day or two if they could that to him.
      - City Administrator Tim Vandall stated one additional thing that we'd be looking at, if you guys look a little bit further down that list, the ABI Force Multi-function Sport Field Machine for the Parks & Rec. Department. We would look at doing that, but we wouldn't do that through the lease/purchase, that would be separate through the Parks & Recreation Reserve Fund, so that would be a separate funding source and wouldn't compromise the lease/purchase.
        - Mayor Kirby asked so there's already money in the bank for that.
          - City Administrator Tim Vandall stated there is, I think Jason is going to check on a couple of things with that, but that would be a separate fund.
            - Mayor Kirby stated Jason if you could explain to us just real briefly what this multi-function.
              - Parks & Recreation Director Jason Crum stated the primary thing it does is infield maintenance on the baseball and softball fields. What we have now is about an 18horse Massey Ferguson Tractor 1992, that's listed in there, and essentially it's a two part process what we do now, Kevin you've seen it before, it's a machine called Diamond Demon that you drag the infield with to open it up then scarify it, then come back behind it with a screen and drag it out smooth. This machine does it all in 1 pass. If you see the picture of it you stand up on it, you can see what you're doing a lot better, not looking over your shoulder to see if something's working behind you. It also has some

other features that you can get, you can seed with it, you can aerate with it, there are several other different features and other types of tools you can get to carry on it.

- Councilmember Pawlowski stated the picture has a striper, can you do striping with it.
- Parks & Recreation Director Jason Crum stated no, that is a separate request item.
- Councilmember Trinkle stated so you can seed with it, would you want to use it to seed out a soccer field or a large field, it could be used either or.
- Parks & Recreation Direction Jason Crum stated you could. It's a broadcast seeder, not like the seeder we're asking for tonight later on, but you can get an aeration drum that rides in the front of you. Like I said in that narrative there, we do not have a core aerator in our fleet right now, it is something that we'd really like to have to use particularly for post season seeding.

Councilmember Studnicka moved to authorize the lease/purchase of up to \$125,000.00 of replacement equipment. Councilmember Trinkle seconded the motion.

- Mayor Kirby stated this is just to get bids.
  - City Administrator Tim Vandall replied yes, when we get bids we will come back to you guys, and one other thing that I want to add is the way it's set up right now wouldn't raise the mill levy or anything like that as long as we stay in that \$125,000.00

The motion was unanimously approved.

**Request to Purchase Turf Seeder:** Councilmember Buehler moved to approve the purchase of a Land Pride OS15 75" seeder from Coleman Equipment for \$10,243.00 from fund 80-010-43301 Equipment Reserve. Councilmember Trinkle seconded the motion.

- Mayor Kirby stated is it 72 or 75. I have 72 in the first part and 75 down here, so which is it?
  - Parks & Recreation Director Jason Crum replied 72".
- Councilmember Pawlowski stated I have to ask this Jason, if we were to contract this out and have somebody come in and do this for us rather than buy the equipment, do you have any idea what that would cost.
  - Parks & Recreation Director Jason Crum replied I do not.
    - Councilmember Pawlowski stated because we just seed twice a year is that correct.
      - Parks & Recreation Director Jason Crum replied well no, we seed often. During our soccer season we usually try to do it as many as 3 or 4 times during the season to try and stay on top of it and stay ahead of the wear and tear. We don't have any irrigation to compliment that, other than Mother Nature, but we do seed and then Jeff from the Street Department they use it for repairs if they do stuff in people's yards, the right of way, and things that like as well.
      - Councilmember Garvey stated just like verti-cutting a yard. And verti-cutting a standard size yard, I think is like \$400, \$500 these days.
        - Councilmember Gardner asked if you had to guess, how many times between you and Jeff do you use it a year.
          - Parks & Recreation Director Jason Crum replied we use it to seed every sports field we've got, so all our baseball fields at City Park, all the soccer fields at Bernard Park, and all the fields at Willow Parks, so when we use it, if we were going to do a seed for all of those, we might be on it for 2 or 3 days at a time, doing that. Jeff's kind of more sporadic, like when they have a repair to make.

The motion was unanimously approved.

**Request to Modify Facilities Use Agreement: Rock Creek Ridge, 4<sup>th</sup> Plat:** Councilmember Trinkle moved to approve the request to modify the Facilities Use Agreement for Rock Creek Ridge, 4<sup>th</sup> Plat. Councilmember Studnicka seconded the motion.

- Jerry Reilly stated his son, Mike Reilly couldn't attend and he was here representing Reilly Homes.
- Councilmember Gardner stated the path that you want to do away with, that was already in the original contract agreement.
  - Jerry Reilly replied yes, about 10 years ago, when I started Rock Creek, we did a preliminary plat, a conceptual preliminary plat of the whole development. In that preliminary plat, we showed this trail,

the City wanted that and we showed the trail. Obviously 10 years later, lots of things have changed, and we are now in that phase, it's our last phase, 48 lots, we graded all the lots; the issue is this, after we graded them, we had the Public Works staff come out, and they were very nice to come out and look at it, there are 3 major ravines that are going to take a lot of work to do, it's going to be very expensive to build this, it goes nowhere, it basically goes up to the end of the subdivision and stops. It would be in the backyard of these beautiful homes, all of these homes will have walkout basements, so they'll have bedrooms down below, family rooms down below, so there's an issue there maybe with safety. The bigger issue is we put the pool and the park in at the top of the hill at the entrance and you now have a beautiful new 55 million dollar high school. The current trail system that's in there now, the sidewalks, people use, and that's what we want them to do. We want them to come out of their homes use the sidewalks and walk up to those facilities, up to the school, we think this trail behind these houses that are going to serve maybe, I'm not sure, maybe 20 to 25 homes, we think the economics don't make sense, we think it'll be objections from the homeowners and we don't think it will be used versus what we already have in the subdivision, which is a nice walk way that goes to the park, to the pool, then out.

- Councilmember Gardner replied but it was part of the master plan? What we're talking about. Angel falls turned out so good and the feedback that came out of Angel Falls was so good I'm hesitant to do anything going away from the Master Plan, myself, because the more trails we have, eventually, they are all going to connect and that's why I'm a little hesitant to do anything.
  - Jerry Reilly replied we basically have a trail system in there now, as you know, I mean, the subdivision itself has a trail, what's a defined trail, but a sidewalk, a nice wide sidewalk that goes up to the parks. We obviously want that, we do not want to not have this, so we're not asking to not have a trail, it's how you define it and where you put it, that I think is important in this case. The buyer today, and I'll tell you this, the buyer today is much different than he was 10 years ago, we have safety issues. I think we could be an issue for a host of problems behind these homes, but that being said, we want to make sure that people that move into that subdivision feel like it's the place for them to live, that we want them to come to Lansing Kansas and live here, and that's our number 1 goal.
- Councilmember Buehler stated here's my issue, when we did this in the very beginning you guys came and asked for a waiver of the park fees and we granted that waiver and a lot of that was based on putting the trail in because we knew that the trail was going to cost money. So now, you're asking for a waiver for that too, so now we're waiving A: the park fees, and the trail, and my concern is we have options, we have abilities to do things, or if we continue to waive park fees, we are going to continue to not have the ability to pay for things in our parks, like water, that we want at Bernard Park. So, I don't disagree with you about putting the trails in the back yards, because in my ward and along DeSoto Road, they were going to put an 8 foot sidewalk in the front and they were going to put a trail in the backyard and I don't agree with that, and the residents were the same way, so that part I understand, it's just that I believe if we're going to waive that maybe you should or you could pay the park fee instead, so I mean, I think you're going to still come out ahead financially, if it's as expensive as you've made it sound like it's going to be, and then we have a little bit of park money where we can do things to help improve City Parks, which is what that was for in the first place.
  - Jerry Reilly replied I understand. I want to be clear that we're not asking to waive it, we're asking to relocate it. So we're putting an 8 foot sidewalk in.
    - Councilmember Buehler stated but you already have a 5 foot sidewalk, a 5 foot sidewalk was already required, so you were going to put a 5 foot and an 8 foot, and now what you're doing is putting in an 8 foot.
      - Jerry Reilly stated you're right. Rock Creek Ridge is kind of unique to Lansing, it's got its own park, it's got its own pool, we spent over a quarter of a million dollars putting those facilities in, we're very proud of them. I can tell you that we're not very proud, right now, of the activity we've had this year, and sales aren't what we like. We deal with that buyer first hand every day when he comes in and talks to us about where he wants to live. So we feel, I feel, and Mike feels very strongly that this; we've invested a lot in the Ridge at that park, unlike any other subdivision you have in the community, we want Lansing to prosper, we want your parks to prosper, we've build over 500 homes in Lansing, we will continue to build homes in Lansing, we love your community, our company has been around for 90 years, we are not trying to circumvent anything. We're the ones on the hook, risk, to sell these houses and we want to work and be proud of it, and want you folks to be proud of it and we hope you are. Things have changed a little bit, we've got a brand new 55 million dollar high school across the street, which is phenomenal, which now people can walk to from

this subdivision, I would just say, I'm not sure the trail, 10 years ago, it was a great concept, I'm not sure today in this particular instance it makes sense. People are going to walk out of their homes in this phase and walk to that high school, walk to that pool, walk to that park, and I'm in the subdivision every single day, every day, and when I'm there on the weekends and see people walking they are either walking in the street or on the sidewalk in front of their home, as I think most of us would when we walk out of our homes. So I don't want to appear, at all Commissioner, that we're trying to short change this community, we've got too much at risk to do that. We asked for the waiver of the park fee only because we put our park in and put our pool in, and we hope that that's a great asset to the community.

- Councilmember Garvey stated that doesn't benefit the community, it benefits just that neighborhood itself.
    - Jerry Reilly stated yes, but what it does do is that it benefits people moving to your community.
      - Councilmember Garvey stated but it doesn't benefit me because I live on the other side of town. Where a trail would benefit me because I can use it because it would be public.
        - Jerry Reilly stated right.
- Councilmember Buehler stated where a parks fee would help improve other parts of the City parks, like again, having water out to Bernard Park.
  - Councilmember Trinkle asked what were the parks fees.
    - City Administrator Tim Vandall replied \$19,200.00
- Councilmember Garvey asked do we have any other 8 foot front sidewalks in town, I can't remember.
  - Councilmember Buehler stated I don't think we do and I think...
    - City Attorney Greg Robinson stated just from a terminology standpoint, is it a trail or is it a sidewalk. If it's a sidewalk guess who gets to clean it, if it's a trail the homeowner's association gets to clean it.
      - Councilmember Garvey stated I thought the City would be responsible for the trail.
        - City Attorney Greg Robinson stated oh really, I thought I just saw that on the agreement.
  - Councilmember Buehler stated I think the only wide ones that we have are the safe routes to school one that we build right along Ida, and I think that's an 8 foot sidewalk there.
    - Parks & Recreation Director Jason Crum stated up on Gilman, from the highway to Willow Park, there's one too.
      - Councilmember Buehler stated that's right, I forgot about that one.
- Councilmember Pawlowski stated Greg when you have a public improvement that turns over to the City right?
  - City Attorney Greg Robinson replied well it's a dedication yes.
    - Councilmember Pawlowski stated these are considered public improvements.
      - City Attorney Greg Robinson stated well the terminology yes, but.
        - Councilmember Pawlowski stated there's no place where it says who takes care of sidewalks, I mean the trails.
          - City Attorney Greg Robinson stated which, I can't get me finger on it right now, but which tract are we talking about.
        - Councilmember Pawlowski stated I've got a copy here, I printed it out and got my pages messed up.
          - City Attorney Greg Robinson stated I can't locate it either and I had it right here but it says tract C, D, and E shall be owned and maintained by the Rock Creek Homes Association.
  - Councilmember McNeill stated I don't see how that ties directly into the issue, at least from my perspective, but from my view we waived the park fee because you were going to put a trail in. A trail is for the public, not for, and I understand your point from being the developer and doing a lot for Lansing and the community, but the whole reason we waived it was because it was supporting the trail, so my opinion is if you're not putting the trail in, I don't really care how big the sidewalk is in front of the street there, then you should have to pay the park fees.
  - Councilmember Studnicka stated if he puts in the 8 foot sidewalk like he's requesting, does that tie into our trail system. If it does, then it could be used as a trail.
  - Councilmember Buehler stated that's not the point. The point is that we had it as part of the Master Plan.
  - Councilmember Trinkle stated we had trails behind the houses down on Rock Creek and Andi lives on the trail system and we couldn't end up putting them in.

- Councilmember Buehler stated there hasn't been someone that said they were going to do it either, so...
- Councilmember Trinkle stated some of the park fees were waived also because he put the pool and the park in.
  - Councilmember Pawlowski stated no.
- Councilmember Garvey stated if you ignore the park fees, you're still saving money because you're already going to put a 5 foot sidewalk in front, you're adding 3 feet, so 5 foot of the original trail, that you would've put in, you're saving money on that, does that make sense, because you're not pouring that 5 foot, you've already got it in the plan for the front, so that's concrete that you won't have to pay for.
- Councilmember Gardner asked it will tie into the trail system the 8 foot sidewalk in the front yard.
- Councilmember McNeill stated can you show us where that ties in. Don you said it ties into the system.
  - Councilmember Studnicka stated I was asking him a question, because we have other sidewalks that we widen, like on Ida with the Safe Routes to School, but it also ties into our trail plan, and kids, and everybody can walk on it. I don't see an issue here.
    - Councilmember McNeill stated you said it ties into our trail system, so show me. One's behind and links up to a different area.
      - Jerry Reilly stated it's probably important to define trail. And I think it's important to ask ourselves realistically if people walk on the trail or the sidewalk, again we're not trying to circumvent anything, we're trying to do it right, we're trying to sell houses, we've only sold 12 this year, the weakest year we've ever had in Lansing Kansas in the last 30 years, we are challenged folks, I will tell you we are challenged. Look at your core growth, we're trying to make it as affordable. It's fine to say just add it add it add it, but guess who pays for that, the guy that makes the decision if he wants to live here or at Falcon Lakes, or across the river in Missouri, or Wyandotte County, so we deal with it every day. Again, we're not trying to, I would hope, I view us as partners, we always have, I've been doing this for over 40 years, I hope you view us that way, we're not trying to circumvent anything that's going to hurt this city, we would not do that, we wouldn't be building here if we felt that way, we're not like that.
- Councilmember Pawlowski asked Jerry, would you consider not doing the trail in back and paying the park fee and just putting the regular 5 foot sidewalk in front.
  - Jerry Reilly replied if you tell us that's what we've got to do we'll just have to. You understand the market, it's your call. I can tell you this, in all my years I've never seen cost increase from the building permits to the construction of streets, to the construction of homes, we are faced with these new homes, you know, you see it every day, we are faced with terrific cost increase, and we are in a market, ladies and gentlemen, we better open our eyes, this is not Johnson County and we are trying our darndest to compete. Basehor has 108 building permits this year, 108. So I think in theory we can talk about a lot of these things but I think we've got to open our eyes to the reality, and our buyer today, you guys know who our buyers are, we don't have executives in Johnson County that are making \$250,000.00, \$300,000.00 a year, we're trying to build an affordable product, have them come to your community with great schools, great restaurants, good shopping, great community, that's what we're trying to do and do it in an affordable way.
- Lansing resident Janette Labbee-Holdeman stated my respect for Mr. Reilly's situation here, but when the trail plan was originally set up, we really and truly wanted to link them all together, so the goal has always been to move from sidewalks where you're in traffic and things like that, away from them, the traffic, and more or less circle the City in some way or another in the trail system, and we have required the high school to be part of this with their trail system along the creek bed. Personally, I would not like us to deviate from that, as that was our goal, eventually, and it is a quality of life issue. It's wonderful walking on Angel Falls, Andi gets so sick of me saying this, but it's wonderful because you can actually hear the birds singing. You are not confronted with the traffic or a lot of noise, or anything going on, and I think those are the pristine types of areas that we should be encouraging for our trail system. Personally, I would prefer that we did not make an exception here because the next exception is just around the corner, thank you.
- Councilmember McNeill stated the cost that it would take to build that trail now based on the slopes and having to put more...is way above what we waived, so I in no way intend to say you have to stick with that, building the trail that was the deal we made, we can't really do that as there are things that were found after that the trail is not going to be; you know if it was 19,200 or whatever the park fee was, I would say hey you've got to build the trail, so I definitely agree that that shouldn't be an issue.
  - City Attorney Greg Robinson stated but we have a Contract that we negotiated Mr. Councilmember, I just wanted to put that out there.
    - Councilmember McNeill stated I understand that but that's why we're here because we get to vote on what we determine, right. So what I would suggest is that we push this, and I want to

see how this might tie in. If we see the 8 foot trail is going to tie into another piece of the trail system ok, but I'd like to see how that would actually look and how we plan to actually tie that in.

- City Administrator Tim Vandall stated I think you guys had a question before and we got sidetracked a little bit, I'm not sure if it's a front yard 8 foot trail, I'm not sure if that ties in, but my understanding was that the back tied in, was that you're understanding Jason?
  - Parks & Recreation Direction Jason Crum replied it tied into that other piece that is in that homeowner's tract, yes, but then it comes up behind the houses and ties back in to the front sidewalks as a temporary solution so it's not a dead-end. I think ultimately the goal was to carry that on over to DeSoto Road.
    - Councilmember Pawlowski stated its makes a loop around that block. But there's no, the adjacent properties up there are large tracts, so to get it, I don't know how we're going to get it back over to the other side, over DeSoto Road, because those 3 houses there they are all, there's no way to get over there so.
      - Parks & Recreation Direction Jason Crum stated I don't know if it would tie. I think I remember a conversation I had with John Young I thought it would go back to Gilman Road if Gilman ever opened up.
        - Councilmember Trinkle stated we had a discussion about Gilman about opening Gilman up, but we couldn't afford to do that either.
  - Mayor Kirby stated there's a motion to approve and a second.
    - Councilmember Pawlowski stated but should there be.
      - Councilmember Buehler stated I agree with Tony.
        - Mayor Kirby stated there's a motion to approve the Facilities Use Agreement for Rock Creek Ridge, 4<sup>th</sup> Plat.
          - Councilmember Pawlowski stated but we don't know what we're modifying it to.
            - Councilmember Buehler stated we're modifying it to going away and putting an 8 foot sidewalk in the front. That's what the motion was, or we can withdraw those and do what Tony said and push it until we figure out how it ties into the trail system and make a better informed decision later on, if you guys withdraw your motion.
  - Councilmember Brungardt stated we don't have to make this decision tonight.
    - Councilmember Buehler stated exactly.
      - Councilmember Brungardt stated we don't have to make this decision tonight, let's step back for a minute and gather some more information before we do this.
  - Councilmember Trinkle asked what timeline are you on Jerry.
    - Jerry Reilly replied all the lots are graded, we're putting the lines in now, so hopefully we'll be putting some houses in; I think we've got 6 or 8 new houses going up in the spring. And I understand totally, what you're talking about with the trail, but again, I'd like you look around subdivisions in Lansing and show me where there are trails behind houses. There's supposed to be one in Rock Creek down below, but the contractor didn't do it.
      - Councilmember Garvey stated that one was after it was built, yours is before it was built.
  - Jerry Reilly stated I guess I would just ask you would any of you want a public trail behind your house.
    - Councilmember Garvey stated I would.
      - Jerry Reilly replied that's great, but not that many people I've talked to would like that, particularly with bedrooms down below and kids
  - Councilmember Pawlowski stated it's pretty secluded down there, I don't know if you guys have been down there.
  - Jerry Reilly stated to answer your questions, water lines are going in, so you know, hopefully we'll start digging, we've taken 1 lot reservation on that street, but a lot of people looking at it, in spring.
  - Mayor Kirby stated we have a motion to approve. We either vote to approve, or we withdraw the motion and bring it back.
    - Councilmember Garvey asked who made the motion.
      - Acting City Clerk Sunshine Petrone replied the motion was made by Mr. Trinkle and seconded by Mr. Studnicka.
        - Councilmember Studnicka stated well, what's the consensus, sounds like we'll be outvoted.

Councilmember Studnicka withdrew his second.

- Councilmember Buehler stated if you don't want to Dave, we can vote on it.
  - Councilmember Studnicka stated it'll die for lack of a second, I just withdrew my second.

Councilmember Trinkle withdrew his motion.

- Councilmember Gardner asked do we set that up for a work session.
  - City Administrator Tim Vandall stated we've got a work session in November, if you guys like, specifically tell me what you want from me and I'll do whatever.
- Councilmember Studnicka stated I want to know how this is going to tie into the trail system, when I read all of this, I assumed that by putting the 8 foot in front it would tie it to our normal trail system. Whether it's in front of the house or in back of the house, it doesn't matter to me, but if it's better for the neighborhood or better for the City as long as it ties in. So if I want to walk from Angel Falls cross over the hill to Stonecrest and through Wyndham 1 and 2, over to the Ridge and I can walk down and it joins that 8 foot sidewalk, I can walk down to the high school that's fine with me, as long as it meets the trail system requirements.
  - Councilmember Trinkle stated but you said the trail system, by putting the sidewalks in is going to make a circle, correct. If it goes back up behind the houses.
    - Mayor Kirby stated this would be a whole lot easier to do, Jason, with maps and pictures. I think that will make it a whole lot clearer for everybody. You can sit here and tell me it ties in here and goes down to tie in there, but I don't get it up here, I need to see it on some paper. If we can get maps and we can all be visual, ok. So then we table this?

Councilmember Studnicka moved to table item 10, the request to modify the Facilities Use Agreement for Rock Creek Ridge, 4<sup>th</sup> Plat. Councilmember Buehler seconded the motion. The motion was unanimously approved.

### **REPORTS:**

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

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

**City Administrator:** Tim Vandall had nothing to report.

**Governing Body:** Councilmember Garvey thanked the newly appointed Library Board members for their volunteerism with the City and stated way to go Royals.

Councilmember Buehler thanked the volunteers and stated we can't do it without you guys and we appreciate the time you're willing to give for it.

Councilmember McNeill seconded Councilmember Buehler's comments and thanked everyone for staying through the entire meeting.

Councilmember Brungardt thanked the Library Director and volunteers.

Councilmember Studnicka thanked the volunteers and stated we'll solve the trail issue and figure this out. He asked Captain Ontiveros about garage doors being open overnight and if the officers will go up to the house and notify the resident.

- Captain Ontiveros replied yes they do.

Councilmember Trinkle thanked the volunteers and asked Captain Ontiveros about No Shave November.

- Captain Ontiveros replied stop by and see me.

Mayor Kirby thanked the new Library volunteers.

Councilmember Gardner thanked the volunteers and commented on the job well done on the Activity Center Gym Floor.

**ADJOURNMENT:** Councilmember Gardner moved to adjourn. Councilmember Brungardt seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:58 p.m.

**ATTEST:**

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Louis E. Kirby, Mayor

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Sarah Bodensteiner, City Clerk