

**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 Buehler moved to approve the regular meeting minutes of September 17, 2015. Councilmember Garvey 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:**

**Request for Special Use Permit (921 S. Main Lot #31):** Councilmember Buehler moved to approve the Special Use Permit for 921 S. Main Street Lot #31. Councilmember Trinkle seconded the motion.

- Councilmember Gardner stated the only thing I see on here Steve, is they've got the vaccinations, but everything else I read tells me that we shouldn't be allowing this or we shouldn't be leaning towards this.
  - Police Chief Steve Wayman replied Captain Ontiveros is present and so is Ms. McKean, the resident who requested the permit. When I read through this there were a couple of neighbors who didn't like it, who wouldn't approve it, but if anyone has questions regarding the investigation, Captain Ontiveros can come up here and answer any questions you have.
- Councilmember McNeill asked was this a voluntary request or a result of somebody having to come out and do a report.
  - Police Captain Ben Ontiveros replied it was a voluntary request, it was not part of an animal investigation.
    - Councilmember McNeill stated so it wasn't because of an original complaint?
      - Police Captain Ben Ontiveros replied no.
- Councilmember Buehler asked could you smell; and in your report it says odor is so strong it can be smelled by adjoining properties. While you were there was it that noticeable to you also?
  - Police Captain Ben Ontiveros replied when I was there that day I could not from the outside, but throughout the residence, yes.
    - Councilmember Buehler stated some of the neighbors have stated that they can smell it in their properties adjoining.
- Councilmember McNeill asked are any neighbors present?
  - Police Captain Ben Ontiveros replied not that I'm aware of.
- Mayor Kirby asked is Ms. McKean here? Is there anything you'd like to say?
  - Christina McKean stated most of the animals are old and there's nobody that would probably take them if we put them in the animal shelter. Some of them are younger, the 3 snakes are kept in their own habitat, and the 2 dogs, they're pretty young, one's a 4 year old, and one's a 2 year old. We're trying to keep the smell under control, but when you've got the older cats they sometimes don't actually hit the litter box and we clean that up as soon as possible.
- Councilmember Pawlowski stated there were complaints from neighbors, typically when we have neighbor complaints.
  - Christina McKean stated no neighbor has even come to us and told us about this.
    - Councilmember Pawlowski replied that's not unusual.
- Councilmember McNeill asked do the dogs always stay in the trailer.
  - Christina McKean replied no, the dogs are walked by my daughter before she goes to school, when she comes home from school, and before she goes to bed.
- Councilmember McNeill stated and you said the dog bit your leg while you were in there.
  - Police Captain Ben Ontiveros replied yes, when I was doing the initial inspection the dog had bit on my pant leg and I kind of pulled at it and jerked my leg back, and he let go, and within a few seconds later started biting the toe of my boot, and that's when Ms. McKean took the animal and put it in a small kennel cage.

The motion was denied.

**Fence Request – 800 Hithergreen Court:** Councilmember Brungardt moved to approve the Fence Request for Nickalas Gray at 800 Hithergreen Court. Councilmember Buehler seconded the motion.

- Councilmember Buehler asked Becky, no sight issues.
  - City Inspector Becky Savidge replied no sir, actually it's not like the ones we typically bring because it's only 4 foot. I stood at the stop sign and took my picture.
    - Councilmember Buehler stated so it's actually only going 9 feet over the setback.
  - City Inspector Becky Savidge replied yes, that is correct.

The motion was unanimously approved.

**Request for Approval of Appraisal Services for 9 Mile Creek Action Plan:** Councilmember Trinkle moved to approve the contract with Valbridge Property Advisors for appraisal services in support of the 9 Mile Creek Action Plan (City Project 15-01). Councilmember Garvey seconded the motion.

- Councilmember Pawlowski asked so this is the same, we paid \$1,100.00 a parcel for the other project too?
  - Wastewater Utility Director Tony Zell replied for 9B and for 7 Mile yes ma'am.
- Councilmember Buehler stated so the personal hourly rates and the mileage, what are those for?
  - Wastewater Utility Director Tony Zell replied those are in addition to, if needed. We will have the principal that is assigned to this project, Laird Goldsborough, who signed the contract, he typically hands this off to another gentleman who worked exclusively on the last 2 projects. There was no need to even involve Laird for any reason. They've got that in there in case there comes a discrepancy or an issue for something that would require.
    - Councilmember Buehler interjected so that's for additional personnel if something else happens.
      - Wastewater Utility Director Tony Zell replied correct, they just state that in their listing of fees so you wouldn't be surprised.
- Councilmember McNeill stated the email that you sent, Tim, that's attached to this, it mentions \$800.00 per parcel.
  - Wastewater Utility Director Tony Zell replied that's for the actual acquisition, there's 2 motions.
    - Councilmember McNeill stated so that is for the other one? I was confused on the end, as they're all tied to one string.
    - Wastewater Utility Director Tony Zell replied that is correct.

The motion was unanimously approved.

**Request for Approval of Easement Acquisition Services for 9 Mile Creek Action Plan:** Councilmember Brungardt moved to approve the contract with Skeens Consulting for easement acquisition services in support of the 9 Mile Creek Action Plan (City Project 15-01). Councilmember Pawlowski seconded the motion.

- Wastewater Utility Director Tony Zell stated just a clarification Mayor, there is a typo in the second to last paragraph, the rate is actually \$850.00 per tract, as stated in the contract. I apologize for that, and because we will be doing the actual acquisition of the 16<sup>th</sup> property internally with the Kansas Department of Corrections, we won't be paying for a 16<sup>th</sup> acquisition, so that is why it says 15 instead of 16.
- Councilmember Pawlowski asked and we were happy with him.
  - Wastewater Utility Director Tony Zell replied oh yes, he did excellent work.
    - Councilmember Pawlowski stated I thought so, I just wanted to make sure.

The motion was unanimously approved.

Councilmember Brungardt moved to recess into Executive Session for 15 minutes to discuss with the City Attorney under Attorney-Client privilege beginning at 7:12 p.m. and ending at 7:27 p.m. Councilmember Buehler seconded the motion. The motion was unanimously approved.

Councilmember Pawlowski moved to return to open session at 7:27 p.m. Councilmember Buehler seconded the motion. The motion was unanimously approved.

## **REPORTS:**

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

**City Engineer:** City Engineer Matt Harding stated I wanted to let you know we are officially into fall now and the trees are going to start dropping their leaves and I'm going to continue with the storm water assessment of 9 Mile Creek. The less foliage there is, the easier and faster that it goes. I also wanted to let you know that I've been asked

to do this within my contract time, so if there are other things that come up it leaves less time for the stream assessment. If you want it done in a certain time, just talk to Tim and let him know what you want for my time. So if it has to be done at a certain date, I can make sure it gets done at a certain date, but I've been asked to stay within my contract time.

- City Administrator Tim Vandall stated if we try to stay in the realm of the contract, worst case scenario it would be done November 30<sup>th</sup>, probably. So if we want it done significantly before that, give me a call and let me know.
  - Councilmember Trinkle stated but the leaves won't be off, they are just going to be starting, or whatever they're talking about, I don't see anything wrong with November anyway. Are we pressed to get it done any quicker than that anyway?
    - Councilmember Garvey stated rainy season is already over.
      - Matt Harding replied actually we might be getting in late October, early November sometime, some rain, but you're right, we're out of spring. Actually the winter is a great time to do it, had I been asked to do it this time last year, to set it up, the leaves on the tree would be gone, sometimes the creeks are frozen and you can walk on water, instead of trying to navigate in mud, you can see everything so much clearer, and you can get to a point where you have to take photographs, and I can get to an easy spot to put a camera up.

**City Administrator:** Tim Vandall stated a couple of things, we're looking at doing a work session on Tuesday, November 10<sup>th</sup> with Representative Bradford and Senator Fitzgerald. The last Thursday of November is Thanksgiving and the second Thursday is a PRAB Meeting that is how we came upon that date. Wanted to double check and see if that worked for you guys, Tuesday, November 10<sup>th</sup>. Street Improvements line item came in a little less so we do have \$17,000.00 to do small projects, curb and gutter, sidewalks, maybe a small drainage thing, wanted to double check with you guys to see if there was anything you were aware of.

- Councilmember Buehler asked who makes the determination on what gets done, and the reason I'm bringing that up is that 1 cul-de-sac behind me, the people have had their street shaved out like they do for well over a year and it's never been repaired. I'll send you an address.
  - Tim Vandall replied if you could that would be helpful, there is a list kind of how we quantify which streets we're going to do and when, my thing is I don't think there's a list like that for curb and gutter or sidewalk and that's why I was tossing it out to you guys.
    - Councilmember Pawlowski stated I think there is something there. There's a list. Like that one where there's a big hole that they filled with asphalt, that we all know is not going to stay there, that kind of thing. Otherwise, just carry it over and put it in next year's sidewalk.
      - Mayor Kirby replied there's a list for curb and gutter. I've been told there's a list. Let's come up with some things that this could cover because that's what we did last year; they had the whatever left over and what we fixed was not priority, high on the list, but it was something we could get done with the money that we had. So give us some options that we can cover with this.
        - Councilmember Pawlowski asked does he need to come back to us or can he just do it.
          - Mayor Kirby stated no.
            - Tim Vandall replied I can just do it, if there is in fact a list, we can just do it.
  - Tim Vandall stated one other item in response to a discussion we had, the light poles, we did find 2 pieces to repair those light poles that you brought up at the last meeting, but they are \$4,000.00 each.
    - Councilmember McNeill stated those are curbs and gutters right?
      - Councilmember Buehler stated curbs, gutters, and light poles.
        - Councilmember Pawlowski asked how much are those silly things costing us total.
          - Tim Vandall replied I'm not sure what the original cost is, but it sounds like we continue to pump a lot of money into them, so I think at some point we might want to look into what it would cost just to get a better kind of light pole, but for right now, I want to go ahead and do that so we don't have a bunch of orange wrapping around them for the next few years, so I wanted to make you guys aware of that since it was brought up at our last meeting. Other than that did you guys have any questions or comments on the report or anything you guys wanted to go over.
            - Councilmember Pawlowski stated no, but I love your reports. When you read them it's like you actually really know what's going on.
              - Tim Vandall replied I know enough be dangerous.

**Governing Body:** Councilmember Garvey stated noise ordinances, what are the times for noise ordinances for Deffenbaugh trucks banging cans. Carriage Hills Shopping Center, the lumber yard, Freddy's, I woke up at 3:30 in the

morning to just bang bang bang bang, and I have a tree line behind my house, so I can't imagine for those folks who live closer must have been thinking.

- Police Chief Wayman replied in all reality if it's not a constant noise, there's nothing we can do.
- Councilmember Garvey stated right, it's not a contact noise, it goes in and out.
  - Councilmember McNeill stated we might be able to change Deffenbaugh's route for the commercial pickup from 3:30 in the morning to some other time.
  - Councilmember Garvey replied that was my next request.
    - Police Chief Wayman replied that may be something Beth can look into and see what she can find out.
      - Mayor Kirby stated if it's not banging here it will be banging somewhere else.

Councilmember Buehler stated Steve is leaving for the FBI Academy this weekend, so good luck while you're down there and on this day in 1962 the very first episode of The Tonight Show aired.

Councilmember McNeill stated I have nothing but Go Royals.

Councilmember Studnicka stated the only thing I've got is a question about drones. I know we don't have a drone ordinance but other cities do, I'd like maybe Tim or somebody to just kind of look into that and I'm asking from the simple fact of privacy issues. I know some businesses are using them so you can't go into, so to say, an old building, but they'll send a drone in with a camera to look at the floor and the windows, and all that stuff. But the fact with drones, there have already been some cases in the United States where a guy in Kentucky blew a drone out of the air with his shotgun, because somebody had a drone and was looking in his back windows of his house and I think he did the right thing, but I don't know so I just think we might want to get ahead of this curve because they are going to be more and more drones out there as we go along.

- Councilmember Pawlowski stated I think the state did something about this just this year.

Councilmember Trinkle stated Steve, congratulations.

**ADJOURNMENT:** Councilmember Trinkle moved to adjourn. Councilmember Brungardt seconded the motion. The motion was approved with Councilmember Trinkle voting against the motion. The meeting was adjourned at 7:38 p.m.

**ATTEST:**

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Louis E. Kirby, Mayor

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Sarah Bodensteiner, City Clerk