

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: Gregg Buehler and Tony McNeill

Councilmembers Absent: Kerry Brungardt

OLD BUSINESS:

Consent Calendar: Councilmember Buehler moved to approve the regular meeting minutes of June 4, 2015. Councilmember Studnicka seconded the motion. The motion was approved with Councilmember Garvey abstaining from the vote.

NEW BUSINESS:

Audience Participation: There was none.

Presentation: Presentation to David F. Anaya: Mayor Kirby presented David F. Anaya with a plaque of appreciation for his years of service on the Lansing Board of Zoning Appeals.

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Board of Zoning Appeals Appointments: Councilmember Trinkle moved to appoint Mary L. Earls-Cummins and Thomas Smith to fill the two open positions on the Board of Zoning Appeals for a three-year term expiring April 30, 2018. Councilmember Studnicka seconded the motion. The motion was unanimously approved.

Municipal Court Defense Attorney Appointment: Councilmember Trinkle moved to appoint Geoffrey Sonntag as the Municipal Court Defense Attorney. Councilmember Buehler seconded the motion. The motion was unanimously approved.

Conditional Use Permit – Recreational Vehicle Parking at Parkwood Mobile Home Park:

Councilmember Studnicka moved to approve the Conditional Use Permit for Recreational Vehicle Parking at Parkwood Mobile Home Park at Gaslight and Helen Streets under the provisions that our City Codes are met and the park gets cleaned up a little bit.

- I drove through there a couple weeks ago and there are some things that I think the park has not done since we put the Main Street Project in and gated that with regard to the exit on the backside of the park down there.

Councilmember Gardner seconded the motion.

- Councilmember Gardner stated the 90 day, is that minimum, maximum, or is that just a guideline for the RV's that you're talking about.
 - Ron Bates Agent for Parkwood Mobile Home Park replied minimum.
 - Councilmember Gardner asked is the fee for that 90 days collected up front or month by month. I'm asking that because what if they book out after 60 days.
 - Ron Bates Agent for Parkwood Mobile Home Park replied I think they can only collect two months ahead.
 - Councilmember Gardner responded so when they first move in they get the 60 days worth and then you wait 60 days to collect the 30 [days]?
 - Mike Hooper from Parkwood Mobile Home Park replied yes, first we collect the 60 days then we collect the 30 days.
 - Councilmember Gardner asked if they are in violation who finds that?
 - Community Development Superintendent John Jacobson replied we'd bring that before you if they do not meet the criteria that is outlined then we bring that to you.
 - Councilmember Gardner replied so is that a complaint or some formal thing.
 - Community Development Superintendent John Jacobson replied it would be a formal complaint, either initiated by a Councilmen, person who signs a petition.
 - Councilmember Gardner responded who is responsible for the empty lots; the cleaning up of the empty lots, the operators?
 - Ron Bates Agent for Parkwood Mobile Home Park replied yes.
 - Councilmember Studnicka stated the managers or whomever they have.

- Councilmember Gardner stated I had 1 more [question], the blockage, one side of it is blocked where you can't get in, the road closed sign. Has that always been there as I'm not familiar.
 - Community Development Superintendent John Jacobson stated that was a function of the Main Street Project. The traffic flow was changed because of that project.
 - Councilmember Gardner responded so there is just one way in and one way out for good. And will that Road Closed sign stay up until something goes in there.
 - Community Development Superintendent John Jacobson replied as far as I know that condition is going to exist as it is currently.
- Councilmember Pawlowski asked is there on-site management.
 - Ron Bates Agent for Parkwood Mobile Home Park replied no, there is not, and that's one of the reasons they want to do long term, it's not really set up to do shorter term. But they are there daily.
- Councilmember Trinkle asked can we get them to get a summary of what needs to be done to bring it up to snuff. I'm on board with Don, if we can get it cleaned up I don't see a reason we wouldn't support, I wouldn't support, I can't speak to everybody else. There are some things that I've seen, I've taken a drive through, and most of the feedback that I got is cleaning it up.
 - Councilmember McNeill stated that's part of the issue in my view too, if somebody is staying there long term, that somebody is going to want to care about keeping it up, you know, if I'm there for 90 days, I'm not sure I'd be overly caring about what my place looks like and my surroundings. I know I've had 3 letters from residents who, you know, part of their daily routine is to walk around the park and pick up trash and that it's all over the place. I'm not sure how bringing RV's in for 90 days at a time that are parking right next to a mobile home, how that's going to make an improvement to the area right now. How is that bringing any value to the neighborhood?
 - Ron Bates Agent for Parkwood Mobile Home Park replied it's bring in revenue.
 - Councilmember McNeill stated it's definitely bringing in revenue but only for the owners.
- Councilmember Trinkle stated I don't see anything detrimental about it if it's kept up. I mean if they promise, if it's supposed to be a certain way and it's not to City standards, then it needs to be taken care of. I have no problem with it if it's brought to City Code.
 - Mayor Kirby stated I think that's part of the issue, there is some question to whether or not it meets all the codes right now.
- Councilmember Pawlowski stated and this mobile home park existed before we changed our codes and I don't know if it was ever brought up to the current standard.
 - Councilmember Studnicka stated there were some improvements made from when we changed our codes back then when we did the Main Street Project.
 - Councilmember Pawlowski stated no, before that, like in the 90's.
 - Councilmember Studnicka replied oh, well I don't know about the 90's. Prior to the Main Street Project and even prior to the way the street is now where we've input the back entrance, there have been improvements to the park, some improvement to the park, but I think now, over the last few years since that project has been completed, there's been some things that have piled up and need to be looked at again. I'm just not sure why the City code officer has not been talking with the management team about that before this issue came up. But I still have nothing against, I would approve the short term lease, we've got a lot of contractors in the area, construction and otherwise who pull a fifth wheel up here or bring their mobile home up here to live in while they work here for 3 months, 5 months, whatever, I see no reason why they can't park in a spot that has electricity and sewer and water, etcetera.
 - Councilmember Trinkle stated what a better place set up for that instead of right outside of someone's house.
 - Councilmember Studnicka replied that's true.
 - Councilmember Pawlowski stated I have a friend who actually runs one of these and the County was very specific when she went for her permit and said you cannot mix the two. You cannot put mobile homes with RV's. They'd pull her permit because it's two separate groups of people and they didn't want them, I don't know cohabitating is not the right word. RV Park, Mobile Home Park two different things.
 - Councilmember McNeill stated that's why they are zoned that way. For example if you had two empty lots next to your residential house, would you be willing to let them pull RV's in there for 90 days at a time, right next door.
 - Councilmember Trinkle stated that's what I say what a better place if it's already at a trailer park.
 - Councilmember McNeill replied a mobile home is not an RV. They call them mobile homes, but they're really not mobile homes, I mean they are somebody's house, they just can't afford a two hundred thousand dollar house, so they get a mobile home.

- Councilmember Trinkle stated not necessarily, they say the snow birders buy motor homes and live in different places for 3 months at a time.
 - Councilmember McNeill replied right, but those are mobile homes, those are parks that allow you to drive yours in there, and we don't.
- Mayor Kirby stated there are parks made for that. I'm reading the conditional use checklist: Number 6D, you've got adequate utility, drainage, and other such necessary facilities have been or will be provided. Are they there or not currently?
 - Ron Bates Agent for Parkwood Mobile Home Park replied they are all there: sewage, electrical.
 - Mayor Kirby replied I just wanted to make sure they were there because it says that if they are not they will be. We currently have an RV in the park now, yes?
 - Ron Bates Agent for Parkwood Mobile Home Park replied that is correct.
 - Mayor Kirby asked is that RV in code violation.
 - Ron Bates Agent for Parkwood Mobile Home Park replied yes.
 - Mayor Kirby stated so that RV was put in there, it's a code violation, so it was put in there without anybody asking or knowing.
 - Ron Bates Agent for Parkwood Mobile Home Park replied yes sir.
 - Mayor Kirby stated another question I had was let's say you get somebody for 90 days and for whatever reason they decide they are not going to stay, are they allowed to then sublet it to somebody else.
 - Mike Hooper for Parkwood Mobile Home Park replied no.
 - Councilmember Gardner stated the RV you have in there has a skirt around it, so somebody who brings an RV in there, will they be required to put a skirt around it or not, the ones that are going to be in there only for 90 days.
 - Mike Hooper for Parkwood Mobile Home Park replied probably not.
 - Councilmember Gardner stated so I'm assuming that one is going to stay there for a while because they put one around it.
 - City Attorney Greg Robinson stated could you make sure people announce who they are before they speak or that they shouldn't speak from the audience for litigious reasons.
 - Mayor Kirby stated ok. I've been addressing my questions to him [Ron Bates],
 - Ron Bates Agent for Parkwood Mobile Home Park replied and for the record my name is Ron Bates and my address is 611 North 6th Street in Leavenworth.
 - Mayor Kirby stated I've been addressing my questions to Mr. Bates.
 - Councilmember Pawlowski stated I just want to say that I talked to Ron about this before and we've had this come before us, we've turned it down, and we had a lengthy discussion about it. My concern is that I don't see the upside for the City of Lansing.
 - Councilmember Studnicka replied Sales Tax.
 - Councilmember Pawlowski responded really?
 - Councilmember Studnicka replied yeah, don't you spend money here in Lansing.
 - Councilmember Pawlowski responded there is only 1 IHOP, if they're going to IHOP they're going to Lansing.
 - Councilmember Studnicka replied don't you buy gas in Lansing.
 - Councilmember Pawlowski responded sometimes, QuikTrip usually.
 - Councilmember Studnicka replied what kind of return are you looking for Andi?
 - Councilmember Pawlowski responded I'm just looking for the upside. I see there is a lot of down side, the upside isn't there.
 - Councilmember Trinkle stated what if we've got a contractor coming in working on the high school, has no place to park his mobile home.
 - Councilmember Pawlowski stated the high school is almost done.
 - Mayor Kirby stated yeah, but he's using that as an example.
 - Councilmember McNeill stated the real question is, we have to look at the owners who are trying to make more profit off their property and the residents of which that is going to affect in my view, that's our decision. Not that we might get 12 more cents sales tax or 150. The two big issues in my perspective are owners who are trying to make a little more money versus the homeowners currently who do or do not want those things in their neighborhood. I have heard, like I said, I've got 3 letters from some of the surrounding neighborhoods and owners which right now, aren't sure.
 - Mayor Kirby stated the ones I've heard from aren't in favor of it.
 - Councilmember Gardner asked how many other trailer parks do we have in Lansing.

- Councilmember Pawlowski replied 5.
 - Mayor Kirby stated John [Jacobson] do you know. Total trailer parks in Lansing today.
 - Councilmember Pawlowski stated Steve [Wayman] wasn't it 5.
 - Community Development Superintendent John Jacobson replied 3.
 - Councilmember Pawlowski replied no there's 5.
 - Community Development Superintendent John Jacobson responded yes, there are a few that have a few trailers, but the major parks, there are 4. But he's [Steve Wayman] right, there are 5.
- Mayor Kirby stated ok any other questions or discussion. We have a motion to approve.
 - Councilmember Studnicka stated we have a motion and a second on the floor.
 - Councilmember Gardner said we have a second.
 - Mayor Kirby clarified to approve.
 - Councilmember Trinkle stated with the stipulation.
 - Mayor Kirby stated yeah, with stipulations and I think the stipulations need to be.
- City Attorney Greg Robinson interjected Mr. Mayor, when Mr. Bates went to the podium there was a motion almost immediately made and council discussion and Mr. Bates has been standing here chomping at the bit to do his presentation.
 - Mayor Kirby stated go ahead.
- Ron Bates Agent for Parkwood Mobile Home Park stated well I had a presentation, but I think it might be a little more productive to answer some of the questions or issues that were raised, and specifically on Mr. McNeill's questions about 3 months, that would be the minimum, and we don't really see, in the big markets we're looking at for this is CGSC students who come into the community, they bring their RV's. The off-housing authority on Post, who I've spoken with, receive calls all the time. There is a trailer park out on Tonganoxie Road that is full, it has a waiting list, and these types of trailers that these people would be bringing in, no disrespect to the current mobile home owners in the park, but they're worth, can be worth 2 or 3 times more than the value of the trailers. The type of people that bring these trailers in and own the types of RV's that we're hoping to attract, aren't the type that just show up. We're not looking for the guy with the pickup truck and a camper shell on the back. Their RV's have to be able to be hooked up, they would have to have all the plumbing that would come with those nice RV's and hook up to all the utilities. As far as the homeowners and what they think about it, currently there are 31 mobile homes in the park and this picture up on the screen there, for those of you who aren't familiar, that little rectangle down at the bottom, that's where the trailer park is. And the question was on Helen Street, Helen is blocked off right there on the upper left hand corner of that rectangle, so the entrance is from the other side. But that is the trailer park that we're talking about, the mobile home park. There are 35 mobile homes in that park and currently, 31 of them are occupied with 4 vacant, and we're asking for 14 spots in this. It holds 58 spots, we're asking for 14 to be allowed for RV. In that park 10 of the mobile homes have been there for more than 10 years, 12 of them have been there for more than 5 years, and then the other 4, I'm sorry the other 9 have been there less than 5 years, but most of them are getting close to the 5 year mark. And the general makeup of that community, 14 of the 31 homes are occupied by retirees, and actually currently, I believe at our last count, 7 children live in the park and 3 of those are teenagers and the rest are pre-teens. But to answer the question of what do they think about it, all but 2 of the 31 mobile home units were contacted as far as to get their opinion, we tried to get the 2, but just didn't make contact with them, we've got some over the road truckers, some people work night shifts. Every single one is in favor of this request. We've got a petition that has been signed by 26 of the units, 26 out of 31 signed the petition, and 3 told us verbally over the phone we think this is a good idea we don't have a problem with it. So the community inside the park itself is highly in favor of this. These types of RV's that we're talking about bringing in here would be an improvement to the community. These are just some pictures of the trailer park, and some of you have driven through it and if there are things that need to be addressed, things not up to code, those are certainly, those need to be brought up to code. This is the RV that is in the park and what I can tell the Council is that at the time that the people who own that RV who asked to place it in the park, the focus on the RV was its size, what it was equipped to do. It meets the qualifications of a mobile home and that was the focus of the owners when they were looking at it. They didn't thumb their nose at the Council or any of the authorities that are looking at that and saying hey we know we're not supposed to have RV's in here but we're going to do it anyway. I tend to agree that it's not allowed right now because it is an RV, but again the focus of the owners was is this a mobile home or isn't it. It does qualify as a mobile home, it meets all the criteria of a mobile home, but unfortunately it's an RV, and so to have an RV in a mobile home park you have to have a conditional use permit, and that's what we're here asking for, to get a conditional use permit. The types of RV's, and these are pictures here from Suncatcher Lake, based out on Tonganoxie Road, these are the types of RV's that we would hope to attract and would want to come to be in Lansing. We think Lansing has more to offer them than Suncatcher Lake does. It's 4 miles closer to the front

of the gate, you can't leave your place of residence here [Suncatcher Lake] and go to IHOP, but you can do it here [Lansing]. We think that if they are staying at the trailer park that they'll be shopping in Lansing and using the restaurants; that might not be a huge economic boon, but these would be quality people that we think would be good for the community. We think it would be convenient; anytime you have word of mouth from people saying this a good place come here, I don't see how that's a bad thing. You might not add up in the numbers but we think it would be good for the community as well as the owners of the park. This was just an aerial, a Google Maps view of that park and to show at this time they were full up, or 1 missing, but they always have a waiting list. We don't know how many are waiting, we don't know how many might come to Parkwood, all I can tell you is that when I spoke to the off-post housing office on fort, she was anxious to tell me that they have more RV storage now, they've made room for more RV storage on post, and to me that tells me that there are a lot of military folks with RV's that need to be somewhere, and if they had a place to park close, we think they would use it. So I think, Mayor the RV being there and in violation, that's absolutely right, it wasn't done intentionally and no disrespect was meant for that, it was a mistake and now we've got to face up to that, but if the City Commission approves this conditional use permit, that would solve that problem. As far as at the Planning Commission there was testimony from two neighbors about the trash that accumulates or that is generated out of the trailer park, I'm not for sure how they know where the trash is coming from, we can't dispute that it's not coming from people from the park, but given the makeup of that community, mostly retirees a few kids, it doesn't seem, I mean retirees aren't typically walking down the street putting trash in the gutter and neither would military officers who are here to go to the College on post, so we think this is actually a win for the City, and would be a good thing for the City as well as the park, and thank you for your time.

- Mayor Kirby stated sorry I didn't get you in there sooner, but that's what his job is, to make sure I do mine.
- Ron Bates Agent for Parkwood Mobile Home Park stated the only last comment is there was a question about other mobile home parks in the community, Black's, is it called Blacks?
 - Councilmember Trinkle replied Oaklane.
 - Ron Bates Agent for Parkwood Mobile Home Park stated I believe they are already approved for 4 or 5 RV spots in there.
 - Councilmember Pawlowski stated you need to clarify that.
 - Community Development Superintendent John Jacobson stated those were in existence prior to the adoption of the current Zoning Ordinance so they are not operating under a conditional use permit, as that was a pre-existing condition.
- Ron Bates Agent for Parkwood Mobile Home Park stated we're not opposed to any conditions the Council wants to put on us, we're looking for long term, we don't want overnight, that's not the plan, we're not set up for that, we don't want to do it. We're not looking for special event, like race weekend or anything like that, we don't want that and we don't think it would be good for the trailer park or our current residents.
 - Councilmember Pawlowski asked would you turn them down.
 - Ron Bates Agent for Parkwood Mobile Home Park stated yes, yes we would and I think if we made that a condition of the permit, we don't have a problem with that because we're not going to allow it anyway, so we're not concerned about that. We need to comply with whatever you guys are willing to let us do, so that we can keep those spots open for the kind of tenants we want to attract.
- Councilmember McNeill stated just on that issue, who we want to attract and who actually moves in there are two different things. I mean you could paint the picture that you're going to bring in these really nice mobile homes or RV's into the park, but how are you, I mean there's no management, you just said there was no management in the park that's present.
 - Ron Bates Agent for Parkwood Mobile Home Park stated then I misspoke on that. They are not on site, but anybody who applies to bring in a mobile home, they have to provide proof of what they have, I believe Mike [Hooper] goes and looks at them usually.
 - Mike Hooper of Parkwood Mobile Home Park stated if they are local we get a picture of them, if they fill out an application with that information.
 - Ron Bates Agent for Parkwood Mobile Home Park stated but there's been plenty of instances where someone has wanted to move a mobile home in and they've said no because they were not good mobile homes. I've done legal work for the park for almost the entire time they've had it, the current owners have owned it for 21 years, I think I incorporated them, I've, I hate to use the word thrown, but I've evicted people, not because they didn't pay rent but because they were doing things that created problems in the mobile home park and created problems for other tenants, and that's not the type of park they want to run. And I think that one of the owners had spoken to, checked with the police to see if there had been, how things are going down there if they get a lot of police calls, and it is my understanding that things have gone

relatively well for a quite a period of time. it's got some flaws, it's got some work to do for the individuals who own the trailers, but there is a limit to what we can do to control that, but there are some improvements that can be made, it's generally a decent place to live and these people have lived there a long time, a lot of them.

- Community Development Superintendent John Jacobson stated as a by-product of the conditional use permit, the owner is required to keep a register of every one of these trailers that come in; the make the model, the year. They also, every one of them, have to have shower facilities operating because there is not a shower facility on site in this particular park. So every trailer that comes in has to have operating bathroom facilities and shower facilities, just something to keep in mind.
- Councilmember Pawlowski asked is there a storm shelter there.
 - Ron Bates Agent for Parkwood Mobile Home Park stated yes.
 - Councilmember McNeill stated yes.
- Councilmember Pawlowski replied where is that at?
 - Community Development Superintendent John Jacobson responded it's on the Northeast corner of the park.
 - Ron Bates Agent for Parkwood Mobile Home Park responded right where you come in on the left.
- Mayor Kirby stated ok we have a motion and that motion is, once again please, because it had some changes.
 - City Clerk Sarah Bodensteiner replied to approve the conditional use permit for recreational vehicle parking at Parkwood Mobile Home Park with improvements made in conjunction with the City Code.
 - Councilmember Studnicka stated what I'm saying is I want a Code Officer involved. There are some violations of our code in there now that he should have caught, they should have taken action on but he hasn't, so I just want to say in compliance with City Code, the motion was to approve. And they can talk to the owners, Mr. Wilk and Mr. Hooper there, or Public Works can talk to them about making that happen.
- Councilmember Trinkle stated and the permit, we can deny, we can refuse the permit for renewal too. Is it going to be yearly, how long will the permit be for?
 - Councilmember Pawlowski replied 5 years
 - Mayor Kirby stated it will be 5 years unless we revoke it, correct John?
 - Community Development Superintendent John Jacobson replied yes.
 - Councilmember Studnicka stated we can revoke it anytime.
- Councilmember Pawlowski stated so John, when we made the changes to this, and I think is was prior to your employment here even, when we made the changes to the mobile homes it was to make the lots bigger, does this now conform to that.
 - Community Development Superintendent John Jacobson replied to make the lot size bigger?
 - Councilmember Pawlowski responded yes, there was concern about fire and the lots being too close.
 - Community Development Superintendent John Jacobson replied that actually happened in 1997 and I'd been here already for 7 years, but not in this particular position, but yeah, the lot size for new homes that moved into the park, I think it's 18 feet or 20 feet versus the 17 feet that were in existence prior to that adoption; that separation between structures.
 - Councilmember Pawlowski replied and so is it that way now? Are all of them? I know some of them have been there since, I sold one of them in 1990 and it's still there, so I know that some of them have been there forever.
 - Community Development Superintendent John Jacobson responded the answer would be yes, the separation would be the same.
 - Councilmember Pawlowski replied but they do all conform now.
 - Community Development Superintendent John Jacobson replied the new ones that are moving in, yes.
 - Councilmember Pawlowski stated but the old ones don't, so how does that fit with moving RV's in.
 - Community Development Superintendent John Jacobson responded I would have to check, but I believe it is still is 20 foot separation rule between the RV and the adjoining structure; structure being trailer.
 - Councilmember Buehler stated so wait, you said the structure being trailer so does that mean that the RV's can be closer.

- Community Development Superintendent John Jacobson replied what that means is that if you have an adjoining deck, the deck wouldn't count as structure from separation between the RV and trailer.
- Councilmember McNeill stated I thought in the discussion area, is there anybody else who wants to talk, as I think there was a resident that we didn't hear from.
- Mayor Kirby stated sure, state your name and address please.
 - Lansing Resident stated my name is Nancy Hininger and my husband is out of town on work or else he'd be here too, but I did send a letter and bring it to the City Council because we were out of town at the last meeting. We just want to see Lansing move forward and improve the living conditions and home values for the residents. We pay taxes on 3 homes on the street and we just don't want to see the home values decline. We live in the middle of Lansing and the home we live in was built in 1899; we've lived there since 1969 when we bought the home. Regretfully the promises that were made by the developers at the end of Helen Street; when I bought my house it was just an open field down there, but we had big plans, wonderful things were going to happen down there, those promises haven't been kept. As you can see by driving through the park, it's for the most part the conditions are not good. There are a few homes that have been there a long time, that are on the West side that are well maintained, nicely maintained. But I just wondered, had a question for the owners does Deffenbaugh pick up the trash, do you have a private contractor, or do you just burn.
 - Valarie Hooper for Parkwood Mobile Home Park replied we have a private contractor.
 - Nancy Hininger stated like I said at the previous, at the Zoning meeting, when I drove through there was trash burning and I know you said you had a permit, but it puts out a bad odor when you're burning garbage. Also frequently on the weekends and again I can't say who owns the cats and dogs, but they are left out to roam the block. I just know the people that live on the street, so when I see people walking down the street and they drop their fast food containers in our yard or 1 of our tenants' yards, and then I go around and pick it up. I know my neighbors that live on the street, it's not my neighbors and it's not the retirees like you said, but its young people. So you mentioned also that you think that expensive RV's are going to come down there, I would be surprised. I've got a listing here, 3 pages long of RV parks in the area, and all of them have a lot of facilities that you don't have like laundry, play equipment, picnic areas, swimming pools, so on and so forth, so if you were coming to the area and going to be here for a while, I don't think you'd want to go to that park particularly, but maybe the rate would be better. So, I would just like the Council to consider the residents that live on the street and that's all I have to say, thank you.
- Councilmember McNeill stated I'll make 1 closing thing, I mean I think this was brought to us 3 years ago and at that time part of the issue was, 5 years ago, God I've been here too long, but one of the issues we had was the park wasn't up to code. So we come back 5 years later asking for the same exact thing and the park is still not up to code, so what are we saying? Not only that but they already violated the code by putting a RV in there and they are now coming later for permission to have RV's there. To me, it's a worse case scenario than the first time out. I mean we asked them to fix the park up, get it up to code, and I figured that was what was going to come back, but after driving through it and talking, and John just stated it isn't up to code so I mean, that's an issue in my mind. If they would have come back and it was all up to code and say look we're all ready to go with the RV thing, that might be in my view an option to say let's give it a shot, but currently I'm not.
 - Ron Bates Agent for Parkwood Mobile Home Park stated I wasn't here 5 years ago, but my clients are fairly adamant that the discussion at that time wasn't that there were code violations and that was the problem. The problem, 1 of the problems was that they were asking for.
 - Councilmember McNeill interjected the code violations that are there today are the ones that were there 5 years ago.
 - Ron Bates Agent for Parkwood Mobile Home Park replied and I don't know what code violations we're talking about, quite frankly. But last time they were also asking for all of the lots, so 30-some, 35, and it was suggested at that time was maybe you should be looking at a smaller number of lots like 25%, so that's what they did, they reduced it to that. As far as the code violations.
 - Councilmember McNeill responded it wouldn't take me 5 years to say yeah let's reduce it to 14.
 - Ron Bates Agent for Parkwood Mobile Home Park replied the need for those spaces we think now justifies it. We've waited until we thought that there would be the need. They get phone calls from people who want to come and they have to tell them we can't do it, and they've received enough phone calls now that they want to do it

so they can get those people to come in. And if there are code violations and it's contingent upon improving it or fixing it, then they'll have to fix them and if they don't fix them they lose the permit.

- Councilmember McNeill asked before or after they bring them in.
- Councilmember Gardner stated I think the motion is before conditional permit.
 - Councilmember Trinkle stated it has to be up to code and then we'll go from there.
 - City Attorney Greg Robinson stated for clarification if you state it like that it has to be to code, and again, I don't know which code violation you're speaking of, but the one that we can say of as of right now would be the RV that they've already acknowledged as a violation, now with the language you're using Mr. Trinkle is that it has to be to code before we allow anything else, is that it means that you'll have to pull that one out, bring it to code before it comes back. I just want you to understand that by the language you're using you could be boxing in...
 - Councilmember Trinkle interjected drive through the park Greg and you'll know what I'm talking about, the trash, the trailer that has the plywood on the side of it with its windows broken out, that's stuff like that that needs to be taken care of. I mean you don't have to be an Einstein to know what we're talking about, but if they brought up to where it's decent, and make everybody happy and keep it that way, and I don't see, you know, that seems to be the problem, the trash and whatnot.
 - City Attorney Greg Robinson replied I have no dispute or issue with anything you put a condition on, I just wanted to clarify so that John's department can go out there and make sure that they're going and doing what you're doing to improve this action. For example, if you want to make it a condition that it be inspected by John's department to find any and all violations and then they must be corrected before any approval of an RV going in in the future if you do approve this, that may be a way to go, then you cover everything; they have to go inspect it, the find them all, and nothing happens until they are all fixed.
- Community Development Superintendent John Jacobson stated we can do a preliminary assessment, list out those items and make sure they are addressed before he moves any additional trailers in.
 - Mayor Kirby stated I'd rather see that all done before, but we're going to tell you what we want then in the meantime you're going to fix it and then we'll come back and; I would, if I had a vote I would say no until everything's been taken care of, let's not say we're going to let you do it now but you've got to be sure and do, I'm like you and let's get an inspector in there, find out what the issues are, get them taken care of.
 - Community Development Superintendent stated you can certainly assess a timeline to get all that done.
 - Mayor Kirby stated but the way the motion is right now, it's kind of vague.
 - Councilmember Trinkle stated well I opened the door we can tune it in a little bit. I got yelled at by the Attorney, I won't be able to sleep tonight because you got on me.
 - Mayor Kirby stated ok so we have a motion.
 - Councilmember Trinkle stated I don't know, you sounded real good Mayor with what you said, let's get a line drawn from somewhere.
 - Mayor Kirby stated well we have to vote on what we have, we have to vote on the motion that's up.
 - Councilmember McNeill stated or we can withdraw the motion if we wanted to.
 - Councilmember Gardner stated we can withdraw it.
 - Councilmember Trinkle stated let's withdraw the motion and then start fresh again.

Councilmember Gardner withdrew his second.

- Councilmember Pawlowski stated I move we deny the special use permit.
 - Councilmember Buehler stated but there's already a motion.
 - Councilmember Gardner stated we've got to withdraw it.
 - Councilmember Studnicka stated we've got to vote on this one first Andi.

Councilmember Gardner withdrew his second.

- Councilmember Buehler stated either we withdraw it or we vote.
- Councilmember Studnicka stated either I withdraw it or we vote on it.

Councilmember Studnicka withdrew his motion.

- Mayor Kirby stated you withdraw the second.
 - Councilmember Pawlowski stated he [Councilmember Gardner] did, Kevin did it.
 - Councilmember Gardner stated I withdrew before he withdrew.
 - Mayor Kirby stated so now we have no motion.

Councilmember Pawlowski moved to deny the Conditional Use Permit for Recreational Vehicle Parking at Parkwood Mobile Home Park at Gaslight and Helen Streets.

- Mayor Kirby stated we have a motion, we've got to have a second.

Councilmember Garvey seconded the motion.

- Mayor Kirby stated now we have a motion and a second, to deny.
 - Councilmember Gardner stated I thought we were going to let them work on it and then come back with a new proposal.
 - Councilmember Buehler stated and they can do that.
 - Councilmember Garvey stated they can re-apply after everything's fixed.
- Ron Bates Agent for Parkwood Mobile Home Park stated Mr. Mayor I thought the original motion, which I realize has been withdrawn, I thought that if they find, if they tell us we've got problems with the park, code violations that we can't put any trailers in there until we fix the code violations, so if that were the case, they give us a list and we would have to satisfy that list and in the meantime nothing is happening, so the way it's proposing now is that we will have to come back if it's denied after we've cleaned all the violations up, and it would seem to be more expedient, if the Body was inclined to grant us, if we didn't have the code violations, the conditional use permit.
 - Mayor Kirby stated that motion was withdrawn. We now have a motion to deny and a second, any discussion.
 - Councilmember Pawlowski stated I think we discussed.
- Councilmember Gardner stated can you go out and get a preliminary, like you were talking about John, a preliminary investigation.
 - Community Development Superintendent John Jacobson replied yes.
- Councilmember Studnicka stated I would suggest that we withdraw this second motion, we table this until the code enforcement people in Public Works can get in there, make the list, and get it fixed, and then bring it back.
 - Councilmember Garvey stated I think some people want to see a history of remaining compliant and not just cleaning it up and saying ok you're compliant, boom, here's your permit, we want to see a history before you issue the permit, see what I'm saying.
 - Councilmember Pawlowski stated we also have issues at other parks that we can't take care of now and you're expecting them to go in and do this when, we have a trailer in that one, we have 7 trailers in Black's Mobile Home Park, when they only have permits for 4. We have issues with the existing parks that we've got that we can't clean them up, and then we're going to layer this on top.
 - Councilmember Trinkle stated but we have a plan of stopping this one though. We have a way of not putting more trailers in, with the way we're doing it now. The others that we have, they do what they want, we haven't been able to stop them.
 - Councilmember Pawlowski stated exactly.
 - Councilmember Trinkle stated we're trying to do this the right way.
 - Councilmember Pawlowski stated but this one isn't clean either and it's not like it just appeared yesterday.
 - Ron Bates Agent for Parkwood Mobile Home Park stated just for the record I don't think we ever received any notice of non-compliance for anything.
 - Councilmember Pawlowski stated I'm sure that's true. I'm sure that's true Ron.
 - Councilmember Studnicka stated I'm sure that's a true statement.
 - Ron Bates Agent for Parkwood Mobile Home Park stated so we're being criticized, we want to show that history of compliance, we have a perfect history of compliance except for this RV that we put in there, which we messed up, we're sorry, but now we've got people in there that have given us permission to get a little more information where they have medical problems, and to become compliant we've got to kick them out of the park and clean everything up and wait for a period of time, I mean. We've never been cited in violation and yet it's being said we've got code violations
 - Councilmember Pawlowski stated I'm absolutely sure that's true.

- Ron Bates Agent for Parkwood Mobile Home Park stated so tell us the code violations and we'll fix them, but we've got a perfect record.
 - Councilmember Garvey stated just because you've never been fined doesn't mean you're compliant. I haven't got a ticket but that doesn't mean I don't speed.
- Councilmember McNeill stated John is there any record, could you address whether or not there have been any code violations.
 - Community Development Superintendent John Jacobson stated yes, there have been code violations in the park and in fact the last time that this was brought before the Council a list of those code violations was provided at that meeting, we can pull that it's public record, it was given to them as part of the process, I can pull that, but I'd have to go back and take a look at that. As far as the RV being put into the park, I'm making the assumption that you knew that that was a violation before, because you're here petitioning for the RV park, and if we go back through that, does it meet the criteria of a mobile home, it meets the basic measurements, it doesn't have the permanent electric Mike, it doesn't have the commercial grade skirting that's all part of that same designation for a mobile home, that's all listed in the same section of the code that you referenced. So there are a number of different things there, I mean we can go at this all day long, but the reality of this is yes, every mobile home park inherently has code enforcement issues and you can clean them up today, but it is still going to have code enforcement issues a week or two weeks from now, it's a constant battle to keep these things up to par. So yes, there are areas that have been cited, but there aren't any current actions there other than this particular RV. Does that answer the question?
 - Councilmember McNeill replied clearly.
- Councilmember Studnicka stated we've got a motion and a second on the floor.
 - Mayor Kirby stated we've got a motion to deny and a second. Any other discussion.
 - Councilmember Trinkle so we're actually just denying it, flat out going to deny it.
 - Mayor Kirby replied yes, that's the motion.

The motion was approved with Councilmembers Trinkle, Gardner, and Studnicka voting against the motion.

REPORTS:

City Attorney: City Attorney had nothing to report.

City Administrator: Just a reminder that we have a Budget Work Session Wednesday and Thursday night next week at 7:00 p.m., I'm looking forward to it.

Governing Body: Councilmember Gardner stated thank you and congratulations to Dave and the 2 volunteers for the Board of Zoning and to Mr. Sonntag for stepping up at the Public Defender.

Councilmember Garvey stated ditto what Kevin said, that's it.

Councilmember Buehler stated again thanks to the volunteers, can't do it without them.

Councilmember McNeill stated I just want to make sure we're still, John we're still going to pursue getting a list to these guys so they can clean their stuff up and potentially come back.

- Community Development Superintendent John Jacobson stated yes, regardless of this action that's happening.
 - Councilmember Trinkle stated I don't think they realize that.
 - Councilmember McNeill stated they left too early before someone said that.
 - Community Development Superintendent John Jacobson stated they will.

Councilmember Studnicka stated I just think we're losing revenue and I've heard from other people, actually from residents that have retired and have \$150,000.00 RV, which is more expensive than my home, and they said there isn't a decent park here because our codes won't allow them to park here when they come back to visit for 30, 60, or 90 days. I think we're missing the boat.

- Councilmember Pawlowski stated but they can't park there for 30 or 60 days anyway.

ADJOURNMENT: Councilmember Studnicka moved to adjourn. Councilmember Trinkle seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:54 p.m.

ATTEST:

Louis E. Kirby, Mayor

Sarah Bodensteiner, City Clerk