

**Call To Order:**

The regular meeting of the Lansing City Council was called to order by Mayor Gene Kirby at 7:00 p.m.

**Roll Call:**

Mayor Gene Kirby called the roll and indicated which councilmembers were in attendance.

**Councilmembers Present:**

**Ward 1:** Kevin Gardner and Dave Trinkle

**Ward 2:** Andi Pawlowski and Don Studnicka

**Ward 3:** Jesse Garvey and Kerry Brungardt

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

**Councilmembers Absent:**

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**OLD BUSINESS:**

**Consent Calendar:** Councilmember Garvey moved to approve the regular meeting minutes of December 18, 2014. Councilmember Studnicka seconded the motion. The motion was unanimously approved.

**NEW BUSINESS:**

**Audience Participation:** Mayor Kirby called for audience participation and Thomas J. White at 101 Highland Road came forward.

- Basically, I just wanted to ask the City Council to consider looking over the breed specific ordinance that we have for dog registration to kind of think about removing it, because I've met with numerous neighbors all throughout my neighborhood and I can tell you that every single one that I've met are scared to death to let it be known what kinds of dogs they do have because of the ordinance we have. Mainly the high insurance liability they have to carry, which I couldn't even carry that. So all I'm wanting to know is if you guys could look it over and consider removing the breed specifics out of the ordinance that way everybody can stop living in fear or being labeled as having a vicious dog or being a vicious dog owner in the city. Because here we are in 2015 and lots of cities everywhere are removing their BSL's and breed bans, because they are starting to realize that it's the owner and not the dogs. And that's why I'm here, for you to look and consider it.
  - Councilmember Buehler asked what kind of dog do you have.
    - Mr. White replied I have a Dogo, and as a matter of fact if you were to look at my dog, Diamond, she would look like a Pitbull type breed, which she isn't. Dogo's are very similar with Pitbull, American Staffordshire terrier type dogs; they look the same, but they are totally different. Thank you very much.
- Mayor Kirby stated that we'll put it on a study session for somewhere down the road.
  - Councilmember Buehler stated to Mr. White I'll let you know when it's on there.

Mayor Kirby called for anyone else, Mr. Klemp came forward.

- Louis Klemp stated that my name is Louis Klemp and I'm from Leavenworth but I pay a significant amount of your school taxes. I was going over what the county is doing on their 1 cent sales tax. The county is very good, like the first time they did the Bond issue, it had to go all the way to the jail. The county has said well we're going to do 147<sup>th</sup> Street, McIntyre Road, Eisenhower Street, and we're going to spend the other 20%, as they've spent the 80% on that. The 20% they are going to spend on roads and other items, they have a general list, but their 80% is now dedicated. As I go through Lansing, I'm looking for Ken Bernard, he's not here now and God darn it I miss him. I look at Lansing and I'm looking at infrastructure, blah blah blah, city parks, blah blah blah, economic development. That is throwing it up. Well today we'll do a park, maybe tomorrow we'll do economic development, but those are not specific enough and I think that it's unfair to the tax payer. As I go through next, Leavenworth, same thing debt service, infrastructure, capital projects nothing named. And then we can go onto Tonganoxie, nothing named. We can go on to Easton, God bless Easton, if anybody needs some sales tax Easton does, it's my favorite town, I love the way they operate on their budget, they didn't have any of that. There was no blah blah blah. Linwood didn't, I wonder why, well it's too small, maybe that. And last and not least is Basehor and you go through infrastructure, streets, parks, capital improvements, nothing dedicated. Very rude to the tax payer. I'm looking out here and I see the city, God bless their heart, they let the school district, which I'm a big payer of, you let the school district get by with the road, and even my 14 year old grandson traveling down that road with me and we're talking about that road, and he said Grandpa it isn't going to be able to handle these 20 buses and these 300 kids driving to school, when I was going to school there was 10 of us who had a car. So you let the school district by on that, now you can come back later after you've done all your parks and all this la la, you can come back later and say you know tax payer, we've got to have some money, we've got to fix this road; this is dangerous. We've got to fix these sewers, we've got these bills on the sewers, we've got to get this done. That's when you can come back later and these tax payers are going to say oh my God we've got to get this done, they're not going to remember the parks and the other things that went on. No city officials do I see talking it up. Here's the county out here, they marginally talked it out, but you've got a group of businessmen, a group of people out there saying by God they're going to make a lot of money on it. This is for the County of Leavenworth, and you

cities can participate by the money you're going to get. But you're not telling the people. In your charter ordinance or your resolutions, you're not telling the people what you're going to do. And that's where I'm getting the main questions from all the people that are calling and talking to me. Just like the turnout on the tax, just down there, I saw 8 cars, unbelievable. 8 cars when we're going to talk about continuing the extension of the 1 cent sales tax. We're not talking about it's a new tax, but it doesn't change from 9.15 to 10.15. All kinds of meetings going on, bridge meetings, everything's going on, but you've got to be honest with the taxpayer, and to be honest with the taxpayer, there should have been a specific on there and it should have been 147<sup>th</sup> Street down as far as you can go, and that needs to be dedicated in money. I traveled it again today, to see how much the county was going to have to do, and put the sewers on there that you're having to do for the school, well we're going to have to do it for the subdivision also, because it's not big enough to expand. I really think, and it's just not you City Commissioners, it's all of them. I appreciate your time, if anyone has a question of me, I'm sure you don't, because you've already made an error, whether you believe it or not, you have made an error and if it fails, and sometimes I want to go out and say fail, you people will know and Tonganoxie will know, when it comes up to their balloon payment, that they're not going to have the money to make the payment. So if anyone has a question, I'm willing to take that question, but if you don't I'll go down to the tax meeting and see what's going on there.

- Councilmember Studnicka asked Mr. Klemp what side of the issue are you on. Are you for the extension of the sales tax or not?
  - Mr. Klemp replied you saw how I originally came out, that's why you're asking the question. I appreciate that, I gave a thousand dollars to the committee because I went from being against it to being in favor because I saw what the county did. So I went out and collected what the cities are doing and now you're throwing me in a different frame of mind. I'm getting to where I'm thinking you guys are feeding us, and when I say you guys I'm talking about all the cities, the system is feeding us wrong information. So I'm starting to want to come out against it because I want to see how you people will handle it when that money doesn't come in, and you're saying people we're going to have to raise your taxes. The city of Leavenworth did a wonderful thing, they took out a 1 cent sales tax and lowered everybody 40%. The school board, they've got a wonderful gal in charge of the school board today, they lowered theirs 20%, 60% come off of the property tax that people are going to pay. So we'll know in a couple of days, because I don't know how irritated I'm going to be, but I think you need to review, you'd be amazed at how many errors are all in these charter ordinances. 10 years, it's not for 10 years, that isn't the significant thing, the county's resolution is what is significant and none of that's in there, other than they are asking for 20 years at 1 cent sales tax. There are little errors that the cities made are not going to change what's going to be on the ballot.

### **PRESENTATIONS:**

**Kansas Eastern Region Insurance Trust (KERIT) Dividend Check:** Travis Bennett, Thomas McGee Loss Control Consultant representing KERIT presented the City of Lansing with a dividend check in the amount of \$16,623.00 as a direct result of the hard work of the employees and strong safety culture created by management.

- Travis Bennett stated congratulations on all your loss control efforts and all that, so here you go. Thank you. You guys are doing a great job.
  - City Administrator Mike Smith asked how much the check was for.
    - Travis Bennett replied \$16,623.00
- Mayor Kirby stated this is from the efforts of all of our employees and safety policies and all that. Good job to everybody.

**Basketball Briefing:** Parks and Recreation Director Jason Crum presented the following information to the Council regarding 2014-2015 youth basketball:

- Jason Crum stated the short and sweet basketball report for this season. We're at 244 kids registered for this season. That's 10 teams of 1<sup>st</sup> and 2<sup>nd</sup> graders co-ed. 4 teams of 3<sup>rd</sup> and 4<sup>th</sup> grade girls, 6 teams of 3<sup>rd</sup> and 4<sup>th</sup> grade boys, 4 teams of 5<sup>th</sup> and 6<sup>th</sup> grade boys, and this year for 5<sup>th</sup> and 6<sup>th</sup> grade girls: we were at 4 short teams last year, and we only had 6 register for this year's 5<sup>th</sup> and 6<sup>th</sup> grade girls, and so we're trying out the academy style system like we've done with the 7<sup>th</sup> and 8<sup>th</sup> graders last year, so essentially they are 1 big team, and weekly we'll draw names out of a hat and make a new team out of it. They have a reversible jersey so they still get to play. 7<sup>th</sup> and 8<sup>th</sup> grade registration we extended a week until last Friday, and 10 folks registered for that, so we've actually had to do some refunds for that, that's the first time we've done that, but we just didn't have enough kids to make it go.
  - Councilmember Pawlowski asked what was that for.
    - Jason Crum replied 7<sup>th</sup> and 8<sup>th</sup> grade. That is the quick summary. We started practice right at the beginning of December, and started our first games this last Saturday.

- We're playing games, this last Saturday we play at the Activity Center and Intermediate School, this week we'll play at the Activity Center and the Middle School, because of Winter Royalty, and we'll switch back to the Intermediate School after that.

**Kansas Day Proclamation:** Council President Gregg Buehler presented a proclamation declaring January 29, 2015 as Kansas Day to interim Economic Development/CVB Director Ken Miller.

**COUNCIL CONSIDERATION OF AGENDA ITEMS:**

**2015 Fireworks Displays:** Mayor Kirby stated the Economic Development/CVB Department issued an RFP for the 2015 fireworks displays scheduled for May 1, 2015 and July 3, 2015. Two bids were received and each proposal is offering an alternative date for the Independence Day celebration since none of the responding companies are able to provide the display on July 4, 2015 within the proposed budget.

Councilmember Trinkle moved to approve the contract with Aerial FX for the Lansing DAZE fireworks display on May 1, 2015 and the Independence Day celebration on July 3, 2015 in the amount of \$22,000.00. Councilmember Buehler seconded the motion.

- Councilmember Buehler asked if this is the same company that's done it for the last several years. And they've done a fantastic job.
  - Interim Economic Development/CVB Director Ken Miller replied yes.
- Councilmember Brungardt asked how far out can we book a company to do this sort of thing.
  - Ken Miller replied probably as much as a year out or 11 months.
    - Councilmember Brungardt stated so if we were ever going to try and get this back on the actual day, Fourth of July.
      - Ken Miller stated we'd want to book it as early as possible. Aerial has multiple crews, so they can handle more jobs, some of the smaller, maybe 23 companies, some of those companies are really small and have maybe only have 1 or 2 crews, but if you get to them early enough then you have a shot at a July Fourth show.
- Councilmember Brungardt stated so if they couldn't do it next year, say in 2016, if we could even get the year after, could get them booked.
  - Ken Miller responded we'd want to get the RFP's out sooner.
- Councilmember Brungardt asked if that sounded like a good thing to you guys [Council], don't you think that's something we should at least investigate.
  - Councilmember Pawlowski stated I get so many complaints about not having this on the Fourth of July.
    - Councilmember Garvey stated I get the opposite.
- Councilmember McNeill asked can you tell us if the date meaning, if we ordered it 2 years out, and they had contracts, and I'm just saying just follow me, it was an exaggeration; 2 years out, is it more competition for the day, meaning our shows costs \$22,000.00 and Lawrence wants one and Overland Park wants one and is going to give them \$85,000.00 it's because they're taking a larger contract, a bigger show on that date.
  - Ken Milled replied I would agree, the earlier you ask for your RFP you might not get immediate responses because they want to see what other cities will offer.
    - City Administrator Mike Smith stated the problem we've had with this in the past is that you can't encumber funds to the next year. What you could do is try to work a deal and come before the Council in January to get this approved and we could definitely go out as far as you would like, but the issue is coming in January as we have to get that contract in front of you [Council]. We usually do it a few months ahead of that.
- Councilmember McNeill stated I guess the point I was making was probably not a timing issue, it's more of a competition issue.
  - Councilmember Pawlowski stated we could get them now on the Fourth, it will just cost us more.
    - Ken Miller stated an extra \$3,000.00 dollars.
- Councilmember Pawlowski stated I have said this before and wasn't even going to say anything this time, but I get so many calls and so many complaints about this not being on the Fourth, in my mind it's either do it on the Fourth or don't do it, that's just my personal opinion.
  - Councilmember Garvey stated that turnout last year would say different.
    - Mayor Kirby stated the park was full last year, so, you know, we just have to pick a day. I get a lot of people that love this on the 3<sup>rd</sup> because it freed up the 4th for family stuff.
- Councilmember Pawlowski asked was it on the 3<sup>rd</sup> last year, or was it on the 26<sup>th</sup> of June.
  - Councilmember Buehler said it was on the week prior.
    - Mayor Kirby replied well it was early. It wasn't on the Fourth, whatever date it was, it was not on the Fourth. But we can discuss that later, I think what we need to do is we need to get this approved for this year.

- Councilmember Garvey asked why are we giving the contract to Aerial FX instead of this Rainbow Fireworks, just out of curiosity.
  - Ken Miller replied more shells for the same amount of money, proven track record.
    - Mike Smith stated mainly shells Jesse [Councilmember Garvey]
- Councilmember Garvey stated right. I just noticed that Aerial FX is from Missouri and Rainbow is from Kansas, that's all.
  - Mike Smith stated we put out about 20 [RFP's].
    - Ken Miller replied 23.
- Mayor Kirby asked if there was any other discussion as it relates to this specific motion.

The motion was approved with Councilmember Pawlowski voting against the motion.

**Lansing Visitor's Guide Bid:** Mayor Kirby stated a request for bids for the 2015 Lansing Visitors & Relocation Guide were issued. Only one bid was received and it did meet the necessary requirements.

Councilmember Buehler moved to award the bid for the Lansing Visitor's Guide to Metromedia. Councilmember Pawlowski seconded the motion.

- Councilmember Pawlowski asked is this the same deal we had previously.
  - Interim Economic Development/CVB Director Ken Miller replied yes, but it's a different company.
- Councilmember Pawlowski asked how much money did we receive from the 15%, do you have any idea?
  - Ken Miller replied I don't know that off hand. Do we have the dollar amount of that 10% is what you want.
    - Councilmember Pawlowski asked but there is an amount of money that we got?
  - Ken Miller replied yes.
- Mayor Kirby asked if someone could check on that and let her [Councilmember Pawlowski] know.

The motion was unanimously approved

**Lansing Connection Printing and Distribution Bid:** Mayor Kirby stated a request for bids was advertised in the Leavenworth Times and mailed to area publishers and one bid was received.

Councilmember Trinkle moved to approve the contract for printing and distribution of the Lansing Connection with the Leavenworth Times in the amount of \$11,200.00. Councilmember Studnicka seconded the motion.

- Councilmember McNeill asked regarding the amount of the \$11,200.00 was it in the amount that was budgeted for the item?
  - Interim Economic Development/CVB Director Ken Miller replied yes, it was the same as last year.

The motion was unanimously approved.

**Request to Purchase Police Vehicles:** Mayor Kirby stated requests for bids for police package patrol vehicles were sent out by the Police Department. Only 2 bids were received. These items were approved for the 2015 Budget through account 24-011-43305 special alcohol and liquor.

Councilmember Trinkle moved to approve the purchase of two (2) Ford Interceptor Utility Patrol Vehicles from Zeck Foard at a cost of \$57,874.00. Councilmember Garvey seconded the motion.

- Councilmember Trinkle asked is the Interceptor what you decided to go with rather than the Chrysler. Was there any reason why?
  - Police Chief Steve Wayman stated right now, what I'm finding out from the officers, the Ford Interceptor Utility, the officers are liking that better. The biggest thing about that is the All-Wheel Drive, not that we're getting snow anytime soon, but last year when we tested those out, they were phenomenal. They serve the purpose, because it's not necessarily once the streets get plowed, it's that time from when the snow starts falling, till it goes. What we're also finding is that the officers are liking them better because they are up a little bit higher, so they have better visibility and can see what's going on inside cars. My response from the officers is they're loving the explorers.
- Councilmember Trinkle stated so what you're saying is that it's higher, narrower, it's an SUV, is it still safe for pursuit?
  - Police Chief Wayman replied that the Interceptor Utility is a pursuit rated vehicle. Ford makes this specifically for police departments.
- Councilmember Buehler asked what about gas mileage. Is it equivalent to what the cars are getting?
  - Police Chief Wayman replied no.
    - Councilmember Buehler asked significantly less or better.

- Police Chief Wayman replied less. One thing people need to remember is that police vehicles in an urban setting or town setting like ours, the way they sit and run, start and stop, with gas mileage, even my Chargers only get 15, 16 miles a gallon. So really, gas mileage is nice to have, but the job that they do, they are not designed for gas mileage. It's just the nature of this beast; they idle a lot and are on at an accident. But these are V6, so it's a smaller engine, but we've had good luck with them so far.
- Councilmember Pawlowski asked can we buy these on the state contract.
  - Police Chief Wayman replied Shawnee Mission Ford is the state contractor for Ford Utilities. I sent bids to Olathe Ford, Shawnee Mission Ford, and Danny Zeck; with our budget purchasing we allow 1% in county preference, and actually Danny Zeck beats that by about 15 or 20 dollars. But Shawnee Mission Ford has the state contract for police vehicles.
- Councilmember Pawlowski asked when you add all the stuff that goes into them, how much will these vehicles cost a piece, about round figures, do you remember.
  - Police Chief Wayman replied that by the time you put in your cameras systems, everything in there, it's about forty grand.
    - Councilmember Pawlowski stated because we can't transfer the old ones into the new, we have to buy all new stuff.
      - Police Chief Wayman replied the cars we're replacing, one is a '06 and the other one is probably going to be a '07, a lot of the cameras and stuff we're using in those is outdated, they are an older system that we're phasing out anyway.
- Councilmember Pawlowski stated so there is probably 12 grand worth of stuff that goes in them.
  - Police Chief Wayman replied yeah. The camera system alone runs anywhere from forty-five hundred to five thousand dollars a unit.
- Councilmember Garvey stated you've already answered my question but these are replacing what cars again?
  - Police Chief Wayman replied a '07 Dodge Charger and a '06 Crown Vic, last Crown Vic that we have on our fleet.
- Councilmember Pawlowski stated and we'll sell those.
  - Police Chief Wayman replied we'll see if there's any use left out of them, if there's anything older in the City that can be put to that use, otherwise they can be put out to pasture.

The motion was unanimously approved.

**Solid Waste Disposal Contract Extension:** Councilmember Pawlowski made a motion to authorize the Mayor to sign the addendum approving the three-year contract extension with Deffenbaugh Industries, with an effective date of March 1, 2015. Councilmember Buehler seconded the motion.

- Councilmember Buehler stated I've had this discussion with Beth and John earlier today, is limiting the size of the yard waste container to 32 gallons, because I think that is so small, that people won't use it. I have a 64 gallon can, I don't fill it up very often, I don't want to have to go out and buy another can or the added costs of the bags all the time, and my discussion with Beth and John was that I think that if we do that people are just going to start throwing their yard waste into their garbage and we don't want yard waste in the landfill. So my proposal was to make it a weight limit and with Beth we can figure out how to. If a can is too heavy if someone fills up a 95 gallon container full of grass clippings which will weigh hundreds and hundreds of pounds, then we figure out a way to tell them this is why it didn't get picked up.
  - Finance Director Beth Sanford stated that Deffenbaugh is agreeable to that.
- Councilmember Buehler stated and they are agreeable to make it a 50 pound weight limit instead of a 35 gallon can.
- Councilmember Pawlowski stated that's what it is now. Isn't it a 50 pound weight limit?
  - Beth Sanford replied I believe we have 65 [pounds].
    - Community Relations Manager for Deffenbaugh John Blessing stated that it is 65 pounds.
- Finance Director Beth Sanford asked would 65 pounds work just to keep it uniform.
  - John Blessing replied absolutely
- Finance Director Beth Sanford stated so we could limit it to 65 and eliminate the container size for the weight.
- Councilmember Buehler stated if everyone is agreeable, I guess we'll need to amend the motion at that point, but we'll see what Andi has to say.
- Councilmember Pawlowski stated I just wanted to know, somebody asked me about this which surprised me, but I thought that the increase available after the first year was one and half percent or three percent, or something, do you remember; if it goes up next year.
  - Beth Sanford replied that they would have to come back to the council and present the CPI, as it's based on the CPI.
- Councilmember Pawlowski stated but I thought there was a ceiling.

- John Blessing stated that it is based on the CPI, regional CPI, which traditionally has been around one to one and a half percent, and we have yet to enact that.
- Councilmember Trinkle stated he just wanted to ask Beth a question about trash. I've been getting calls from people finally getting their Christmas trees out, do we call city hall to get the tree picked up?
  - Beth Sanford replied Christmas tree pick up was the 2 weeks after Christmas.
    - Councilmember Trinkle stated some people are just now getting them out.
      - Beth Sanford replied I don't know if those are going to be picked up. I think they [Deffenbaugh] gave us an additional week, but of course that's been 3 weeks.
- Councilmember Trinkle stated I guess they can throw them in a ditch.
  - Mayor Kirby stated that that's another reason why people need to sign up for the website where the information is all available.
    - Beth Sanford stated we did advertise it there.
- Mayor Kirby stated so we're ready, no? We need to withdraw the motion.
- Councilmember Buehler withdrew his second.
- Councilmember Pawlowski withdrew her motion.
- Mayor Kirby stated we need a motion to authorize the Mayor to sign the addendum approving the three-year contract extension with Deffenbaugh Industries with changes, with an effective date of March 1, 2015. Those changes are.
  - Beth Sanford stated 2a, will read Yard waste containers may not weight more than 65 pounds.

Councilmember Buehler made a motion to authorize the Mayor to sign the addendum approving the three-year contract extension with Deffenbaugh Industries with changes, with an effective date of March 1, 2015. Councilmember Pawlowski seconded the motion. The motion was approved with Councilmember Garvey abstaining from the vote.

**Treasurer's Report for Quarter Ending December 31, 2014:** Councilmember Brungardt moved to approve the Treasurer's Report for Quarter Ending December 31, 2014. Councilmember Studnicka seconded the motion. The motion was unanimously approved.

Councilmember Buehler made a motion to break for 30 minutes for an Executive Session to discuss personnel issues of non-elected personnel and returning at 8:04 P.M. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Councilmember Studnicka made a motion to return to open session. Councilmember Garvey seconded the motion. The motion was unanimously approved.

Councilmember Studnicka made a motion to allow the Mayor to continue negotiation for non-elected personnel. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

## **REPORTS:**

**City Attorney:** City Attorney Greg Robinson stated that he had nothing further to report.

**City Administrator:** City Administrator Mike Smith stated he had nothing further to report.

**Governing Body:** Councilmember Gardner stated that was a nice letter you got from those people at the Police Department.

Councilmember Garvey stated the old house on the corner of Ida and Gamble was leveled today, it shows great progress. I meant to go over to the Centennial Bridge meeting this afternoon, of course I didn't get off of work in time, did anybody attend that meeting? Sorry I missed it, I wanted to hear the news, I heard talk about them wanting to replace it or something.

Councilmember Buehler hoped everyone had a happy new year.

Councilmember McNeill stated congratulations to the staff on the big check, keeping things safe and not having any workmen's comp. It says a lot, ever since I've been on the council they've got a check every year, whatever safety program you've got in place Mike it's done a great job.

- City Administrator Mike Smith stated the staff has been doing a great job, Thanks Tony.

**ADJOURNMENT:** Councilmember McNeill moved to adjourn. Councilmember Brungardt seconded the motion. The motion was unanimously approved. The meeting was adjourned at 8:07 p.m.

ATTEST:

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Louis E. Kirby, Mayor

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Sarah Bodensteiner, City Clerk