

CITY OF LANSING

CITY COUNCIL MEETING

REGULAR MEETING MINUTES
December 3, 2020

Call To Order:

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

Roll Call:

Mayor Mike Smith called the roll and indicated which Councilmembers were in attendance.

Councilmembers Present:

Ward 1: Gene Kirby and Dave Trinkle

Ward 2: Don Studnicka and Marcus Majure

Ward 3: Jesse Garvey

Ward 4: Tony McNeill and Gregg Buehler

Councilmembers Absent: Kerry Brungardt

Councilmembers were present via Zoom video conference

OLD BUSINESS:

Approval of Minutes: Councilmember Studnicka moved to approve the regular meeting minutes of November 19, 2020 and the special meeting minutes of November 24, 2020, as presented. Councilmember Garvey seconded the motion. The motion was unanimously approved.

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

Presentations**COUNCIL CONSIDERATION OF AGENDA ITEMS:**

Lansing Tree Board Appointments: Councilmember Buehler moved to appoint Al Gledhill and Randy Dorf to the Lansing Tree Board for a term that will expire December 31, 2023. Councilmember Studnicka seconded the motion. The motion was unanimously approved.

- Mayor Smith stated Jason tell those folks we appreciate it every time they come back. We really do.

Lansing Parks & Recreation Advisory Board Appointments: Councilmember Buehler moved to appoint Annie Schmalbeck, Gahvin Frey, Eric Caldwell, Kevin Gardner, and Tom Farris to the Lansing Parks & Recreation Advisory Board for a term ending December 31, 2022. Councilmember Kirby seconded the motion. The motion was unanimously approved.

- Mayor Smith stated Jason same to that group. We really appreciate all the volunteers help. It wouldn't be the city without them.

Award of Bid – Ward 1 Sewer Project, City Project 20-04: Councilmember McNeill moved to approve and award the bid to Linaweaver Construction for the installation of City Project 20-04, in an amount of \$130,975.50. Councilmember Garvey seconded the motion.

- Councilmember Garvey stated got a question.
 - Mayor Smith replied go right ahead.
 - Councilmember Garvey asked all the boring is done this time, so we don't get hit with extra money when they are done.
 - Wastewater Utility Director Tony Zell responded all of the sewer will be replaced within the same ditch that the current sewer line is so there is no realignment. I don't anticipate any additional cost.
 - Councilmember Garvey replied ok, thank you Tony.
 - Councilmember Majure stated I'm going to hold you to that Tony because I was going to ask the same thing Jesse.
 - Wastewater Utility Director Tony Zell replied as I said I don't anticipate any additional cost.
 - Councilmember Majure responded no, no, no.

- Councilmember Trinkle replied don't start back stepping now.

The motion was unanimously approved.

Approval of Property Acquisition Services, 4H & DeSoto Roundabout Project:

Councilmember Kirby moved to approve Task Order #2 from SMH Consultants for property acquisition services in an amount not to exceed \$19,800. Councilmember Studnicka seconded the motion.

- Councilmember Majure stated I got a question. Mayor you said not to exceed \$19,800. So, this is an estimate and I read through it thoroughly. This is a really good estimate so it could be a lot less or it could be up to \$19,800. Am I reading that right Mike?
 - Public Works Director Mike Spickelmier responded that is correct because this is under the federal guidelines for property acquisition once they do the initial appraisals, if some of the appraisal amounts come less than \$10,000. We do not need a second appraisal. We can proceed with one. So that is a not to exceed with anticipation of reduction if allowed.
 - Councilmember Majure replied thank you.

The motion was unanimously approved.

Ordinance No. 1051 – Rezone Request (00000 1st Terrace): Councilmember Garvey stated I got a question before we vote. Earlier in the summer we talked about a Site Plan on new construction. Has anything been done with that?

- City Administrator Tim Vandall responded I'll let Matt answer that question.
 - Community & Economic Development Director Matthew Schmitz asked you're talking about a Site Plan for the property across from City Hall.
 - Councilmember Garvey responded well anything. You know, any new construction we're doing in town because I see that one resident asked a question what's going to be done with the property. Who do they talk to, do they talk to you?
 - Community & Economic Development Director Matthew Schmitz stated I've worked with Mr. Greenamyre on this.
 - Councilmember Garvey responded I'm talking about the residents around this property. Before it went to the Planning Commission, if somebody called City Hall to ask what is going to be done with the property who do they speak to?
 - Community & Economic Development Director Matthew Schmitz stated they spoke to me. I talked to the residents and what they wanted to know was what the future plans for the property were and what could be done if this was down zoned from the current zoning of B-2 to R-3.
 - Councilmember Garvey asked and did you explain to them once it's rezoned, he can do whatever he wants. He can cut down whatever trees, leave whatever trees, plant whatever he wants without a Site Plan.
 - Community & Economic Development Director Matthew Schmitz stated in order for him to develop this property, he's going to have to come back and plat it. And if he was to do a multi-unit development such as that

- encompasses the entire property, he would have to go through the Site Plan process.
 - Councilmember Garvey asked I didn't think we had to have a Site Plan on this type of stuff.
 - Community & Economic Development Director Matthew Schmitz responded if it's a multi-unit development like that, that covers more than just building one home here and there, there has to be a plan for that. If he is going to come in and plat it as individual lots and then come back and build multi family on one lot at a time, he would not have to go through the Site Plan, but he would go through the planning process which would come before the Council.
 - Councilmember Garvey replied right. Ok that answers my question.
- Councilmember McNeill stated go ahead.
 - Councilmember Majure responded go ahead Tony. I'll follow you, go ahead.
 - Councilmember McNeill stated hey Matt, I was wondering about what was in the Comprehensive Plan for that, I can barely read it in the Comprehensive Plan, but it looked like a main street overlay district looks like it cuts into part of that property. Is that right.
 - Community & Economic Development Director Matthew Schmitz replied so there isn't, the main street district overlay isn't there anymore. The Site Plan process that was put in place with the UDO took over the MSOD essentially in terms of review. As far as what the Comprehensive Plan shows for this property, the future land use map that's in the Comprehensive Plan shows this property as an office use. The Planning Commission made their motion to approve it. They made the motion to approve it subject if there needed to be a review and the modification of that future land use map that showed it as multi-family instead of as office.
 - Councilmember McNeill asked ok, so we'd have to update the plan.
 - Community & Economic Development Director Matthew Schmitz replied correct.
 - Councilmember McNeill stated ok. It just looked to me, but also in the plan, part of the I don't know if it's requirements but it talks about I guess it's recommendation one was the UDO, the second one was the MSOD updating, so I don't know, we decided once we got the UDO done, we weren't going to do a MSOD update?
 - Community & Economic Development Director Matthew Schmitz stated so there wasn't again the Site Plan process that is in the UDO applies to the entire city. The MSOD basically did the Site Plan or development process but only along the corridor that was K-7. So, with the Site Plan process being put in place through the UDO that took a lot of the requirements that were in the MSOD and applied them to the entire city.

- Councilmember McNeill responded ok so there wasn't a need to update that part, I guess that is what you are saying. Ok thanks.
 - Mayor Smith asked Marcus did you have something.
 - Councilmember Majure stated so Tony I guess this question is for you and the Planning Commission, so our plan is to now turn that property across the street from our City Hall and across the street from our library to multi use family homes. That is what we're saying, that is what we're going to vote on tonight is to allow that property to become multi use home property versus potentially a new library if we were outgrowing the library. Or a medical building complex or something like that. That's what we're saying right.
 - Councilmember McNeill replied well we don't own it. We'd have to buy it and then put something on there.
 - Councilmember Majure responded that's a good question.
 - Councilmember McNeill stated I do get what you are saying. I think, the way I read it was, he wasn't even planning on building anything yet. I think those duplexes are right across from it. So, I mean if you put more duplexes in there that would just be one whole area of duplexes. Which I think would be fine.
 - Councilmember Majure replied yeah, the duplexes he's got in there now are really nice. That's just the question I was going to ask is if that was our plan. We weren't going to try to persuade or build something there. We were going to build multi-family units there. That is the overall plan
 - Community & Economic Development Director Matthew Schmitz responded if this rezoning is approved by the Council then yes, the developer would be able to build multi-family housing in there.
- Mayor Smith asked Matt the ones below are senior housing right.
 - Community & Economic Development Director Matthew Schmitz replied they're zoned R-3.
 - Mayor Smith responded so they could be put in. I thought that what he wanted to do across the street in this too. I'm not putting words in his mouth, but I thought that was always the intent. Even though, Marcus you are correct.
 - Community & Economic Development Director Matthew Schmitz stated so Jeremy is on the line, he is on the Zoom call. He's muted and his video is turned off at the moment but if he wants to jump in here and wants to discuss that with you guys as well. But that is the future plan for that as far I know. At some point, over the next four-five years, maybe longer than that, develop that into a multi-use, multi-family type development.
 - Jeremy Greenamyre stated hey Matt, this is Jeremy. You got my video blocked so that is why I have not been on.
 - Community & Economic Development Director Matthew Schmitz replied I can fix that.
 - Jeremy Greenamyre ok. Not much to look at here. I'll give a quick presentation here. For the sake of what is required, I'm Jeremy Greenamyre, Greenamyre Rentals, 2500 South 2nd St, Leavenworth KS. To answer some of the questions that are floating around. We see this just as an extension of Fawn Valley South which is the

fifteen units currently developed on Reagan Drive. There are two more under construction. So, we just see this rezoning request as the natural extension of those. The plan, I mean if we had to start today it'd be for market rate duplexes aimed at working professionals, elderly, which I think is exclusively what we have in the existing units. The reason for rezoning or why we think the rezoning works as the highest and best use is one, it matches the zoning of the adjacent property, Reagan Drive. We also think that the proposed zoning is a good transition from the R-5 zoning of the multifamily to the south and the single family to the north. Our request we are making today is very similar to what happened back in 2003 when we rezoned the original Fawn Valley south because that was zoned industrial and business before we rezoned it to multi-family back in 2003. As another talking point, those fifteen units brought in about \$60,000 worth of property taxes in 2020. I think there is a financial reason to do this as well. I know there is some concern about changes to the Comprehensive Plan, but we feel, the Comprehensive Plan is a guideline, and some minor changes should be expected along the way. We're not looking to put industrial use in here or a severe change. When I was putting together some notes on this, I was reminded the City Hall in Overland Park is similar to this situation where they have multifamily right across the street from their City Hall. So, I think there are some local examples where municipalities have made this work. I'd also like to point out that this was approved at the Planning Commission without any opposition from the public at least in person. Even if you don't think R-3 is the best zoning for this lot, I would make the argument that offices are certainly not the best zoning. An office zoning which was done with the Comp Plan back four or five years ago doesn't take into account the post COVID work from home Zoom meeting world that we are in right now. All the short term I'm seeing as far as office use, are pointing towards less demand for office space. Even if there was no coronavirus, we still don't know if this is a great site for any sort of commercial that needs visibility. The sites are anywhere from four to five hundred feet from the center of K-7 and then once you get to the top of the hill, you're ten to twelve feet below the street level. The rate of development for this sort of stuff is so slow is our theory is that it's stuck in office zoning, you're looking at a long time until something ever happens. The lot that Mutual just developed was re-platted in 1998. You know it took 22 years to develop half of that site. Town Center was platted in 2008, 12 years ago and

there is still 46 acres available. That is another piece of land that we would be competing against. If there ever was someone looking for office, is our substandard site versus the arguably better site owned by the city who has more options as far as incentives are concerned. So anyway, that is kind of our stance on the rezoning. I'll take any questions if you have them.

- Councilmember McNeill thanks Jeremy.

Councilmember Buehler moved to approve and adopt Ordinance No. 1051. Councilmember Kirby seconded the motion. The motion was approved with Councilmember Garvey voting against the motion.

Request for Cereal Malt Beverage License Renewals: Councilmember McNeill moved to approve the Cereal Malt Beverage License renewals for Aldi Inc. at 1217 North Main Street, GMRG ACQ 1 LLC dba Pizza Hut at 407 North Main Street, Lansing Quike Stop at 601 South Main Street, QuikTrip #188 at 1205 North Main Street, Shree Nivas Inc., dba Finish Line at 506 North Main Street, and Truman Town LLC dba Woody's Gas Express at 109 4-H Road. Councilmember Buehler seconded the motion. The motion was unanimously approved.

Executive Session – Economic Development: Councilmember Buehler moved to recess into executive session to review economic development activities pursuant to the discussion of confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships exception, K.S.A. 75-4319(b)(4) for 30 minutes, beginning at 7:21PM and returning to the Council Chambers at 7:51PM. Councilmember Kirby seconded the motion. The motion was unanimously approved.

Councilmember Buehler moved to return to open session at 7:51PM. Councilmember Garvey seconded the motion. The motion was unanimously approved.

REPORTS:

Department Heads: Department Heads had nothing to report.

City Attorney: City Attorney Greg Robinson had nothing to report.

City Engineer: City Engineer Matt Harding had nothing to report.

City Administrator: City Administrator Tim Vandall stated Public Works Director Mike Spickelmier wants to talk to the Council in regard to the snow removal if we are short staffed. It might take longer than normal to clear areas if we have staff in quarantine. After hearing from several Council members about the sign location being close to City Hall, we are talking with Young Sign Co and hopefully that will get going soon. We have offered free masks to businesses who have requested them and so far, we've had nineteen businesses ask. They have all been very respectful and whether they agree or disagree with the ordinance, all of them just want to keep their businesses open.

- Mayor Smith added that Tim has hand delivered these masks himself and stated hats off to him for doing that.

Governing Body: Councilmember McNeill thanked the volunteers on the Tree Board and Parks Advisory Board, and we are glad to have them on the team.

Councilmember Trinkle asked everyone to mask up, be safe and use common sense.

Councilmember Kirby stated wash your hands and wear your mask. We are in this together and we need to get the kids back in school.

Councilmember Majure thanked the volunteers. He also thanked Tim and staff for the direction this city is headed. It's exciting.

Councilmember Garvey also thanked the volunteers and all they do.

ADJOURNMENT:

Councilmember Garvey moved to adjourn. Councilmember McNeill seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:58 p.m.

ATTEST:

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk