

# CITY OF LANSING

## CITY COUNCIL MEETING

REGULAR MEETING MINUTES  
March 4, 2021

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**Call To Order:**

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

**Roll Call:**

Mayor McNeill 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 and Kerry Brungardt

**Ward 4:** Ron Dixon and Gregg Buehler

**Councilmembers Absent:**

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Councilmembers were present via Zoom video conference.

## OLD BUSINESS:

**Approval of Minutes:** Councilmember Buehler moved to approve the Regular Meeting Minutes of February 18, 2021, as presented. Councilmember Garvey seconded the motion. The motion was approved with Councilmember Brungardt abstaining.

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

**Presentations****COUNCIL CONSIDERATION OF AGENDA ITEMS:**

**Ordinance No. 1055 – Rezone Request 00000 N. Main Street:** Councilmember Buehler moved to approve Ordinance No. 1055. Councilmember Dixon seconded the motion.

- Councilmember Garvey stated I'd like to make a second motion if I can.
  - City Administrator Tim Vandall responded there is already a motion on the floor.
    - Mayor McNeill replied we have a motion. We can discuss this one Jesse and if you want to make another motion after that, then we can make another motion.
  - Councilmember Garvey responded oh, ok.
    - Mayor McNeill stated it's better to discuss this one first.
      - Councilmember Garvey stated I can tell you right now, I'll go first. I'm not in favor of this. Everybody knows how I feel about the rental property situation in Lansing. I don't think it's getting any better. I think it's getting worse. I think we need a change in direction. I read an article this past week that talked about how property owners are more invested in the property and tenants are less invested, so they take less care of their property. Which brings down the resale value of peoples houses in the community. I'm looking out for the best interest of our property owners of this community when I'm against this project. I've talked to some people in the community that they're a little leery of approving projects with this developer moving forward because of some things in the past. Recently just last month there was a proposal for a new building next to Dairy Queen. Everybody was all excited about that proposal and everybody's like tear down the building, let's get this new building built. Tore down the building, next thing you know there is a for sale sign on the property. So, what happened there. I don't know. We vacated a right of way over here on Gamble and Ida. It was supposed to improve the property and as far

as I'm concerned, the neighbors to the west of that property are not very happy with what is going on there. There's just some of other things mentioned to me by members of the community. I'm just not very happy about that size of the rental properties. You know that is all I am going to say about it though. I'll move on.

- Mayor McNeill asked anyone else have any discussion. Don.
  - Councilmember Studnicka responded just a comment, more of a question than anything. This doesn't fit our land usage either does it or our Comprehensive Plan from the way I've looked at it.
    - City Administrator Tim Vandall replied that is correct. However, the Planning Commission voted for recommendation based on the location of it, it's proximity to K-7, proximity to existing multi family, proximity to storage units, commercial. So, while it didn't, the plan from 2014 didn't call for it being multi-family, the Planning Commission felt like it did at that location. Can we show the piece up there so everyone is on the same page?
- Councilmember Brungardt stated Marcus had a question.
  - Mayor McNeill replied go ahead Marcus.
    - Councilmember Majure stated I'm not in favor of doing more multi-family homes in that particular area where there is businesses. I would like for that to remain; I concur with the 2014 Business Plan that Don brought up and I would like for that to be business related. I know I read it's been sitting for twenty years. That's not an explanation enough why we haven't gotten more businesses there. It's right there next to IHOP, it's right there next to a gas station and the Econo Lodge. I don't want to bring in more of the multi home complex living in that vicinity. I would rather that be business as it's structured to be so.
      - Jeremy Greenamyre asked Matt, this is Jeremy. Is it ok if I enter the conversation?
        - Community & Economic Development Director Matthew Schmitz replied I'm sorry Jeremy, can you repeat the question.
          - Jeremy Greenamyre stated I think there's maybe a little bit confusion of what's being requested in this rezoning. Because the area people are talking about in reference to the IHOP is already zoned multi-family so we're not looking to rezone the corner across from IHOP because it got rezoned to multi-family years ago. There just seems to be some confusion about the piece that is actually being requested. And maybe I am reading this wrong.
            - Community & Economic Development Director Matthew Schmitz responded and that is why we pulled the map up. So, on the map that's on the screen right now. The lot that has the number two on it is already zoned as R4.
              - Councilmember Majure stated I can't hear you Matt.
                - City Administrator Tim Vandall stated the one that is south of the one highlighted is already zoned multi-family. The one that is highlighted right now is being split off from Econo Lodge. That is the one that is business.
    - Councilmember Majure asked is that the reason why if it has already been

zoned multi-family, is that the reason why it has not already been built multi-family. They are waiting to make this multi-family too that is in the block. Is that what we are talking about doing.

- Community & Economic Development Director Matthew Schmitz replied the applicant, his intent is to make a larger project by combining these two together. When he started looking at what he could do with what is showing on your screen as lot 2, he considered the properties to the north could be developed with this to make it a larger project. Then he approached Econo Lodge. Econo Lodge agreed to sell part of their property in order for that project to be larger, and now we are in the step of needing to rezone that piece of property from Econo Lodge so that it matched the zoning that is currently on Lot 2 so then he can move forward with the full development.
    - Councilmember Majure asked so is the development going to look what is to the west of this picture. Is that what he is looking to do, to continue with what is already to the west and add to it. Is that the plan?
      - City Administrator Tim Vandall asked you mean to the east, to the west is Econo.
        - Councilmember Majure replied I'm sorry, to the other west.
    - Community & Economic Development Director Matthew Schmitz responded so across Santa Fe Drive; those are apartments I believe. Jeremy can probably speak more than as well.
      - Jeremy Greenamyre stated Matt I am happy for you to show our, its kind of some of the preliminary, I know we are kind of jumping ahead here but I think it might illustrate what our thoughts are. Do you have that preliminary site plan we had gone over with you?
  - Community & Economic Development Director Matthew Schmitz responded I don't have the preliminary sight plan. It was included in the packet; the preliminary plat was. It shows the overall layout. I'll be perfectly frank; I get a little nervous about showing those.
    - Jeremy Greenamyre replied well let's just hold off on it and I'll just address it and it'll show up here in the next half hour or so. The plan right now is three-unit buildings. So, across the street you have twelve-unit buildings. What we are proposing is a series of three-unit buildings in phase 1 and likely to continue throughout phase 2.
  - Councilmember Garvey asked Matt I got a question. The area to the east of the highlighted area, between the road and the highlighted area. What is that?
    - Community & Economic Development Director Matthew Schmitz responded that is actually old railroad right of way. It's currently showing on the county GIS as being city owned right of way. I think Jeremy's surveyor as found some additional information on who actually owns that property.
      - Jeremy Greenamyre replied that is correct. Our engineer is on the Zoom call or at least was planning on if he could address it better than I could. Matt Henderson if you are available.
        - Matt Henderson stated sorry I was having a hard time unmuting. The county's GIS mapping is not accurate here. That property was owned by the Condotel to the west, so the property is, the rezoning legal description incorporates that ground as part of it. So, I think what the exhibit you're seeing is probably a parcel that Matthew Schmitz clicked on but really the rezoning is going to go up to basically road right of way at Santa Fe which is probably 10-15 feet off the back of that major road.

- Community & Economic Development Director Matthew Schmitz replied that is correct. What is on the screen is the GIS provided by Leavenworth County. Basically, the parcel boundary isn't right there.
    - Matt Henderson stated and all that was discovered when we got into the title work.
- Councilmember Garvey stated I have another comment. I guess a resident called to express some concerns about the project on this property and concerns about the trees. We discussed at least six months ago about looking at projects moving forward like this and having a site plan showing every tree taken out and every tree putting back in place. And I have yet to have a discussion about that with anybody and I know a resident called with concerns about these trees. If we are going to maintain our Tree City USA status in the city, then we need to be careful about how many trees developers are allowed to level and replace in the city.
  - City Administrator Tim Vandall replied I really don't know the qualifications for what makes Tree City USA or anything like that. But the flip side of that Jesse, we demolished a lot of trees when we built that sewer line too.
    - Councilmember Garvey responded I know. We've demolished a bunch of trees lately and that's concerning for some people.
      - City Attorney Greg Robinson stated Commissioner Garvey, can you hear me. There are some cities that address the issues you are talking about, but we currently don't have any ordinances or zoning regs that would cover what you are talking about to my knowledge. I know some other cities have before you can clear, let's say, a forested area you may have to have some mitigation concerns. Again, that would have to be driven by policy regs and/or ordinances to do so. But right now, unless Matt can tell me there is something out there, I'm not thinking of at the moment, I don't think we have any enforceable type guidelines or anything to follow that would prevent for that property to be built up to, as long as they are doing the technical specs and they're doing it according to our code, I don't think we can really interject or overlay it at this time.
    - Community & Economic Development Director Matthew Schmitz replied so there are regulations within the Unified Development Ordinance related to landscaping requirements, but it is not a one-to-one ratio. There's nothing that says for every tree you take out; you have to put back a tree. It's not quite that clear or easy.
      - Councilmember Garvey asked so is that something we can look at changing someday. I mean we have work sessions all the time. Can we put that on a work session in the future?
        - City Administrator Tim Vandall responded yes.
          - Mayor McNeill replied yes, we can. Certainly. I just want to add something though. When we are talking about development. One of the, I guess, best practices when you are trying to buffer between businesses and homes is multi-family. Multi-family is sitting right on that corner so extending it into 2B to me, I don't think you are going to have multi-family right here and have a business come and sit in the middle of that part. So consideration is you already have the corner as being multi-family. If the determination by the

governing body tonight is that we don't want to do it in 2B, the developers are still going to do it in 2 or can do it in 2.

- Councilmember Majure stated Tony I don't think he will. I mean that is the whole reason. That property we are talking about 2 vs. 2B has been sitting vacant for a long time. He took the initiative and I applaud him to occupy, to work out and purchase that land or however from Econo Lodge to do that but I'm not in favor of putting more multi-family homes right up close to our businesses. And if that land sits empty and he sells it, and we rezone that to business, that corner then he puts businesses in there. But that is not a justification to me to put well it's already multi-family, let me put some multi-families in there. I'm not going to concur completely, that's not what I want.
    - Mayor McNeill responded I'm not making the point that... what I am making the point is that bottom section is already multi-family.
    - Councilmember Majure replied yeah, I got you. I understand.
    - Councilmember Garvey stated I guess I still question that section right there I asked about early because I know years ago when the railroad took out the tracks and abandoned the railroad right of way, the city inherited a bunch of property. And I know the city inherited some property through here. So where did the city's property go to.
    - City Attorney Greg Robinson stated Councilmember Garvey when that railroad right of way was abandoned, it actually at that time if you recall, I mean I know this was awhile back, a lot of cities got very eager, they were thinking about all these trail heads they were going to be able to build. And have all these parks and all these things of walking. However, somebody did take it I believe to the Kansas Supreme Court and all that property reverts back to the landowner. Wherever the original land was taken from, it goes back. In this case, if you look at that lot that shows as 2, you see that bottom line there snugs up the road right. I think that is what, if I got his name right, Mr. Henderson was referring to. That orange or yellow line will probably at the end of the day going to extend down there and almost go down to that corner. I can't speak to exactly where it's going to go but it should be about fifteen feet off that road line. Whatever that adjusts to but all that land reverted back to the property owners on both sides actually. And that is what I think

Matt can speak to about why some of that is the city's and at the end of the day you are going to see that right of way snug up on our side of the roadway.

- Councilmember Kirby asked I got a question. Can you hear me.
  - City Administrator Tim Vandall stated we are going minimize the map and go back to Zoom.
    - Mayor McNeill replied so guys we can't see anybody with their hand up.
      - City Administrator Tim Vandall stated I think Gene had a question.
        - Mayor McNeill asked somebody else have a question or wanted to say something. Gene.
          - Councilmember Kirby stated I do. So, I guess what I am hearing is we don't want to put apartments in there, multi-family, whatever you want to call them because some neighbors don't want it. But they are going to be ok with businesses. It's going to be one or the other eventually isn't it. It's not going to stay green forever.
            - Councilmember Majure replied that is a good point Gene. I don't know what the answer is. I don't know.
              - Councilmember Kirby responded well you got a guy ready to invest some money. And that is one of those things we keep hearing about, drawing and attracting businesses is rooftops. I just don't see what the difference will be whether its multi-family apartments or businesses. I mean we know what we went through with Harbor Freight.
- Councilmember Garvey stated I guess one of the things I keep hearing to is we keep comparing our city to Basehor. We want to be Basehor you know because Basehor is a growing city. If you drive through Basehor, you don't see residential rental properties like we're talking about doing here. You don't see little pop-up rental neighborhoods like we're talking like he put in at Gamble and Ida, like he's putting over here. You don't see those because they don't want those in their community. They want houses that are owned by people that are investing in the community. You know they want businesses like that. We're supposed to be a better community here. I want people who are going to take care of their property and stuff like that.
  - Councilmember Trinkle replied if we get some box stores or something in here, we're going to have to have places people can rent or live just making minimum wage or a little better too Jesse. Where are we going to put them. Not everybody can afford a \$300,000 home.
    - Councilmember Garvey asked isn't that why Mark Linaweaver is building those houses.
      - Councilmember Trinkle stated it doesn't make a person any better or any worse if you rent your home.
        - Councilmember Garvey replied no it doesn't.
          - Councilmember Trinkle responded I don't want anybody in the City of Lansing come out thinking, I can't speak for the rest of you guys, but thinking that just because you rent that you are the wrong kind of person for Lansing. I don't believe that. When we first got married, we couldn't afford a house out here. We rented. I've lived here all my life, then I had to rent and then I went back to owning again. It's, I don't know, it's fifty-one half dozen the other. That ground has been vacant a long time and it was back twenty years ago, that was the idea to make it multi-family. I don't see why we should

change what we were looking at doing and I think it needs to proceed right along with what we are doing. Today that is supposed to be the thing is the multi-family is supposed to be the buffer now. Is that not right Matt. They're talking about the multi-family buffer between business. It's a new thing.

- Community & Economic Development Director Matthew Schmitz replied yeah, generally multi-family is seen as a buffer between commercial areas and residential areas.
  - Councilmember Trinkle stated I thought now they are using multi-family as the buffer and you know, where you going to put it. People don't want multi-family. Where you going put them, out by the transfer station. I mean people deserve to live a quality of life just like anybody else just because they own, or they rent. I don't know. I got mixed feelings on some of that.
    - Councilmember Majure stated well Dave, we just need to go back and relook at the Planning Zone that was passed in 2014 that Dave Trinkle brought up. It was passed to make that business and now we are saying not business make it residential. I'm not arguing with what you're saying. What I'm saying is, you all or whoever was in the seat made that business for a reason. I'd like to know what that reason was, and I think before we vote on something tonight, we need to go back and relook at that for planning ahead for Lansing. Versus we have a plan in place, and we don't even, we're going against it.
- Councilmember Brungardt stated I don't like the change. That is what bothers me the most.
  - Mayor McNeill asked Matt you can speak to that area.
    - Community & Economic Development Director Matthew Schmitz responded the one thing I would point out is future land use map is a guide. It is not a hard-set fast approval for how things will be developed in the city. It's a guide to help guide development as it comes into the city. There's plenty of other examples across the city where something was planned to be one thing and a developer came in and decided they wanted to build something that didn't match the future land use map and we've changed that in the past. I guess that is the only thing I would say is it's a guide. It's not a hard, fast rule that has to be that.
      - Mayor McNeill stated some of you will recall that once we passed that, there were several of us who had issues with it as it sat currently for that very reason. There's areas that we were like why is it this and to come back and do things like this. We rezone, right, to meet our needs as a

city. That is part of what we can do is rezone. I'm not sure that corner there was, was it B-3 as well and we rezoned that to R-4. Or was that R-4 in the Comprehensive Plan. Do you know Matt.

- Community & Economic Development Director Matthew Schmitz replied my memory is telling me that was B-3 that was recently in the last couple of years. Not in the 3 years I've been here rezoned to R-4.
  - City Administrator Tim Vandall stated I think you're right. I think it was 2018 or 2019 when that was rezoned from commercial to multifamily residential.
    - Mayor McNeill asked ok Don you got something.
      - Councilmember Studnicka responded the only comment I'll make about the zoning is that I've been on the Council awhile. When Econo Lodge went there, and they bought that property I believe we rezoned it or zoned it B-3 at that time way back when. And now that we've had our new Comprehensive Plan, things have changed but that is why that whole area in there was B-3, commercial basically. If that makes sense to you.
        - Mayor McNeill replied yes, it does. Anybody else have any questions or discussions.
- City Administrator Tim Vandall stated one thing I'd like Matt to clarify too. Since the Planning Commission recommended this, it would require a super majority to overrule Planning Commission. Is that accurate Matt.
  - Community & Economic Development Director Matthew Schmitz replied yes. So procedurally, in order for the City Council to overrule the recommendation of the Planning Commission, it would have to fail, or the motion would be to deny by a super majority vote. Six people would have to vote no in order for it to fail.
- Mayor McNeill asked ok any other discussion. We have a motion to approve and a second.

The motion was not approved with Councilmembers Studnicka, Majure, Garvey, Buehler and Brungardt voting against the motion.

- Mayor McNeill stated that was five.
  - Councilmember Garvey responded it's not a super. It's only five.
    - Mayor McNeill stated we'll consider another motion on this. Somebody make another motion. Jesse you don't want to make a motion?

Councilmember Garvey moved to deny the applicant to rezone the property at 00000 N Main Street from B-3 to R-4. Councilmember Majure seconded the motion. The motion was approved with Councilmember Trinkle and Kirby voting against the motion.

#### **Preliminary Plat – Santa Fe Townhomes:** City Administrator Tim Vandall asked still relevant.

- Councilmember Garvey asked it's not relevant anymore is it.
  - Mayor McNeill replied not for a portion of it.
    - Community & Economic Development Director Matthew Schmitz responded it's up to the applicant at this point whether they would want to proceed with it or not. He could continue to proceed with the plat and do just phase 1 on the property that is already zoned as R-4. So, it's really up to the applicant. We'll talk over the next



week what he wants to do as far as how he wants to moved forward. The preliminary plat is just for information only. It's to show what was approved by the Planning Commission. Since the rezoning has failed or was denied, it will be up to the applicant to modify the preliminary plat or to pull it all together. It's his discretion.

- Mayor McNeill asked any questions on that.

### **REPORTS:**

**City Attorney:** City Attorney Greg Robinson suggested the Council further discuss and/or conduct a study to find out what financial impact there would be on the City by imposing rental restrictions. A policy may need to be put in place otherwise the City could open itself up to litigation.

**City Administrator:** City Administrator Tim Vandall let the Council know the mask mandate will expire at the end of the month and he will ask them at the next meeting for further direction on it. With QuikTrip going in, the sewer line updates had to be made in that area. It also services Aldi's and now knowing what the car wash will generate wastewater-wise, we should see a return on the investment of the update within nine years. It was a positive investment for the City. Community & Economic Development Director Matthew Schmitz, Wastewater Utility Director Tony Zell and Public Works Director Mike Spickelmier really came together to make sure all components were met for this project.

**Department Heads:** Department Heads had nothing to report.

**Governing Body:** Councilmember Studnicka picked up his copy of the Eastern Gateway Project and they did a great job on it. He thinks if there is any way we support moving forward with the project, we should help in any way we can.

Councilmember Majure agreed with Councilmember Studnicka that the bridge project looks great and it's exciting to get that network going to bring in more traffic.

Councilmember Garvey mentioned some states in the south like Texas are fully opening up and he's glad some are going back to normal. He realizes COVID is still a danger but it should be up to the people on the chances they take.

- Mayor McNeill stated we could get numbers on how they are going up or down and where we are at.

Councilmember Buehler provided a fun fact, on this day in 1861, Abraham Lincoln was inaugurated as the 16<sup>th</sup> president of the United States.

Councilmember Dixon thanked Tony and staff for the wastewater tour.

Councilmember Brungardt thanked Matt for meeting with him and trying to help with the background issue.

He stated he is also tired of COVID and we are at the end of this but we still need to be cautious. Just because Texas is doing it, we aren't taking orders from Texas.

### **ADJOURNMENT:**

Councilmember Brungardt moved to adjourn. Councilmember Studnicka seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:37 p.m.

**ATTEST:**

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Mayor, Anthony R. McNeill

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City Clerk, Sarah Bodensteiner, CMC