

# CITY OF LANSING

## CITY COUNCIL MEETING

REGULAR MEETING MINUTES  
July 15, 2021

### 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:** Marcus Majure and Don Studnicka

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

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

### Councilmembers Absent:

## OLD BUSINESS:

**Approval of Minutes:** Councilmember Garvey moved to approve the Regular Meeting Minutes of July 1, 2021, as presented. Councilmember Kirby seconded the motion. The motion was approved with Councilmember Brungardt, Studnicka and Buehler abstaining.

**Audience Participation:** Mayor McNeill called for audience participation on an item not on the agenda and there was none.

### Presentations

### COUNCIL CONSIDERATION OF AGENDA ITEMS:

**Ordinance No. 1063 – Sewer and Trash Disposal Assessments:** Councilmember Buehler moved to adopt Ordinance No. 1063 for assessment of delinquent sewer and trash bills. Councilmember Dixon seconded the motion.

- Councilmember Trinkle stated yes, I have a question. Maybe some of these houses are abandoned and they are still charged correct.
  - Finance Director Beth Sanford responded if there is no one in there, no. If there is no one living there, we close the account.
    - Councilmember Trinkle asked what is the procedure, say they are kicked out or whatever, that automatically shuts them off and they don't have to worry about paying sewer then or does the sewer still get charged.
      - Finance Director Beth Sanford replied no, typically we get a list from Lan-Del that will tell us when accounts are closed or if there is no water usage on the yearly report. Then we don't have an active account there so we're not billing for sewer.
        - Councilmember Trinkle stated so the active water account is the way it is.
          - Finance Director Beth Sanford stated and if we would miss somebody, we send out delinquencies. They would get a bill every month obviously and we also send delinquency notices out quarterly so they should be aware of getting billed if they are not supposed to be.
            - Councilmember Brungardt stated this is the way we've done it the past three years, four or five years.
              - Finance Director Beth Sanford responded for years and years.
                - Councilmember Trinkle asked but that is the thing if there is water on the property or there is not water.
- Finance Director Beth Sanford responded right, yeah.

- Councilmember Trinkle asked they can still be hauling their water and using it and not being charged for water and still get away with it right.
  - Finance Director Beth Sanford responded I suppose. I mean I think that would be, I don't know. People bringing in water.
  - Councilmember Trinkle asked it doesn't shut the sewer system down. It'll still be functional.
  - Finance Director Beth Sanford replied correct. I guess theoretically they could haul their water and use the sewer and we wouldn't be aware of it.
  - City Attorney Greg Robinson stated if their water is off, Mr. Trinkle that would bring in another issue. It wouldn't be a habitable structure without water service. I mean a legal path.
  - Councilmember Trinkle stated you know what I am talking about.
- City Attorney Greg Robinson replied I know exactly what you're talking about.
  - Councilmember Trinkle stated I mean just because they have the water shut off doesn't mean they're not going to live there.
  - City Attorney Greg Robinson responded there are other steps you can do outside of what she is doing right now.
    - Councilmember Trinkle stated well there were some questions asked and that is what I thought it was. I just wanted to bring it up publicly so certain people can understand what is going on. That's all I had at this time. Thank you.
  - Mayor McNeill asked any other questions.
    - Councilmember Garvey stated I just wish there was a way we could hold repeat offenders accountable more. I see one that is \$3500 on here and I think about the people who are paying their bill yearly, monthly, whatever it is. They look at this and probably think 'oh, why do they get away with it'.
    - Finance Director Beth Sanford responded well they get charged ten percent interest every month if that brings you any comfort. Actually, we do get a lot of calls after we send this off to the county because their escrow goes up. We have seen people start to really try to make payments.
      - Councilmember Brungardt asked so if we aren't doing this, we're losing a lot of money.
        - Finance Director Beth Sanford replied yes.
      - Councilmember Brungardt asked and by doing this, how much money, I hate to put you on the spot for this, I should have called you earlier, but about what do we recover.
    - Finance Director Beth Sanford responded we get about 98% of this back.
    - Councilmember Brungardt asked so what we are doing, what you guys are doing is working.
    - Finance Director Beth Sanford replied yes.
    - Councilmember Brungardt stated that is awesome. Thank you.
    - Finance Director Beth Sanford replied sure.

The motion was unanimously approved.

**Ordinance No. 1064 – Weed Removal Assessments:** Councilmember Trinkle moved to adopt Ordinance No. 1064 for assessment of delinquent fees for weed removal. Councilmember Buehler seconded the motion.

- Councilmember Trinkle stated I have another question.
  - Mayor McNeill stated yes, please.
    - Councilmember Trinkle asked on the weeds, Matt this is probably for you, if the house is in foreclosure, we keep going up and mowing the grass, we are charging who?
  - Community & Economic Development Director Matthew Schmitz replied so we charge whoever the current property owner is. So, if the home is in foreclosure, it would go back to whoever is on the property at the time we perform the service.
    - Councilmember Trinkle asked that will be kind of hard on a couple of them but say if they are no longer alive, are deceased, you don't know who owns it and there is no record and trying to figure out who owns it. That just adds more to the problem in the end. So, we still go ahead and take care of the weeds and stuff in that location.
      - Community & Economic Development Director Matthew Schmitz responded right.
        - Mayor McNeill asked and when they sell the house.
          - Community & Economic Development Director Matthew Schmitz replied generally when the property sells is when we recoup those funds.
            - Councilmember Brungardt Matt stated we've done this for a while.
          - Community & Economic Development Director Matthew Schmitz responded yeah.
        - Councilmember Trinkle asked but say this goes on for a year, is this going to get the person that buys the house.
          - Community & Economic Development Director Matthew Schmitz replied it wouldn't hit the purchaser, it would hit the seller. For instance, take your example you had if someone passes away, anytime property is sold, money collected from the sale of that property goes back into that estate. So, our funds pay for what we've expended to come out of that estate. It wouldn't hit the buyer; it would hit the seller.
        - Councilmember Trinkle asked but if there is nothing there, it is very possible that would be another cost above them buying a house, back taxes only they would have to pay it to clear the title, right.
      - Community & Economic Development Director Matthew Schmitz replied anytime a property is sold, any assessments are the sellers responsibility. That is part of the title work process. As somebody who has been through it, I can tell you it's the seller who pays it.
        - Councilmember Trinkle stated I'm following. It's still a process you have to figure out who is who to get charged.
      - Councilmember Garvey stated somebody's name is on the deed. That is what it boils down to.
  - Community & Economic Development Director Matthew Schmitz responded right.
    - Councilmember Garvey stated somebody's name is on that deed.

- City Attorney Greg Robinson stated Mr. Trinkle the only money you can potentially miss is that if you do this ordinance today and they go out and cut the grass fifteen times between now and next year, we may not be able to capture that unless we were doing this more often. That is the only thing you can miss because once it is filed, nobody can transfer that property without us getting paid.
  - Councilmember Trinkle stated that is what I am saying, after fifteen, twenty times they cut the grass and then it finally comes to where the city, whoever wants to buy it comes to a deal, they're still going to be charged for that lawn mowing fee. That is just going to be another assessment along with the sewer even though they don't know who's it was the whole time they were mowing the grass. Somebody is going to pay that grass.
    - City Attorney Greg Robinson responded those are the property owners.
      - Councilmember Brungardt asked and again for clarification Beth, how much, what percent do we get on this.
        - Finance Director Beth Sanford replied we typically collect 100% on this.
          - Councilmember Brungardt sated well, it's obviously working.
            - Finance Director Beth Sanford responded yeah.
          - Councilmember Brungardt stated thank you.
        - Mayor McNeill asked any other discussion on this one.

The motion was unanimously approved.

#### **Design Services for McIntyre Interceptor Sewer Extension – City Project 21-04:**

Councilmember Brungardt moved to approve the scope and services from George Butler Associates for design engineer services for the McIntyre Interceptor Sewer Project, City Project 21-04, in an amount not to exceed \$501,480.00. Councilmember Buehler seconded the motion. The motion was unanimously approved.

**Storm Sewer Project – 4-H and Valley:** Councilmember Buehler moved to authorize the Public Works Department to solicit a proposal from SMH Consultants for the 4-H and Valley Drive Storm Sewer Project. Councilmember Garvey seconded the motion.

- Councilmember Trinkle asked is this the one we repaired before.
  - City Administrator Tim Vandall replied we haven't repaired this one since I've been here.
    - Councilmember Garvey stated you're talking about the one at 147<sup>th</sup> Street. This is on Valley.
      - Councilmember Trinkle stated there was one down off of Cottonwood I thought.
        - Public Works Director Mike Spickelmier responded Southfork.
          - Councilmember Trinkle asked that is not this one?
        - City Administrator Tim Vandall responded nope. That one is on our list to improve in the next twelve months probably but that is at Southfork. This is at Stonecrest subdivision.
          - Councilmember Trinkle replied I just haven't heard Southfork in a while. I was thinking we got it fixed.
            - Public Works Director Mike Spickelmier stated we'll be discussing it at a future meeting.



**REPORTS:**

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

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

**City Administrator:** City Administrator Tim Vandall had nothing to report.

**Governing Body:** Councilmember Trinkle has been asked by some senior groups to see if there is anyone that can offer services such as painting to help clean up the Harvey House in Leavenworth and older museums that have been neglected. They are looking for volunteers of service. He also congratulated Tim.

Councilmember Kirby stated great job to everyone involved in running the city. It starts at the top and we have a great group of people. It starts with great leadership, not only Tim but Department Heads too. All that were involved in the 4<sup>th</sup> of July Independence Day celebration, his hat off to everybody.

Councilmember Majure stated great job on the 4<sup>th</sup> of July event. He saw a lot of our people there and it was a five-star, class act event. He hopes we continue to do that every year. He congratulated Tim on his success in the last year. It's meant a lot to us and the city.

Councilmember Garvey thanked Tim for everything he does and leading the team. He has put together a great team of people. Independence Day was a great time and a big success. There was only one negative comment on Facebook and that was getting on the bus to get out. He thinks the community loved it especially coming out of the last year.

Councilmember Buehler stated he heard great things about the event, and everyone works hard. He congratulated Tim on the positive changes he has made in his six years here and as previous Councilmembers mentioned, he has put together a great team. It makes the Councils job easier. He added a fun fact, on this day in 2006, Twitter was founded.

Councilmember Dixon dittoed the comments on the 4<sup>th</sup> of July. He congratulated Tim and stated it is a pleasure to work with him.

Councilmember Brungardt agrees with what everyone has said to Tim and told him to enjoy a well-deserved vacation.

Councilmember Studnicka thanked Tim and told him to enjoy vacation. Covid numbers are on the rise again, so he encouraged everyone to get vaccinated as well as eligible school aged children, so we don't have the same problems in school as last year.

**ADJOURNMENT:**

Councilmember Studnicka moved to adjourn. Councilmember Brungardt seconded the motion. The motion was unanimously approved. The meeting was adjourned at 8:09 p.m.

**ATTEST:**

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Mayor, Anthony R. McNeill

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City Clerk, Sarah Bodensteiner, CMC