

# CITY OF LANSING

## CITY COUNCIL MEETING

REGULAR MEETING MINUTES  
August 5, 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:** Don Studnicka

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

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

**Councilmembers Absent:** Marcus Majure

## OLD BUSINESS:

**Approval of Minutes:** Councilmember Buehler moved to approve the Regular Meeting Minutes of July 15, 2021, as presented. Councilmember Garvey seconded the motion. The motion was unanimously approved.

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

**Presentations:** County Commissioner Mike Smith presented the City with funds from the Countywide Sales Tax that was passed a couple of years ago. These funds are for economic growth and the County Commissioners want to partner with Lansing for more growth. \$240,538 was presented to Mayor McNeill and City Administrator Tim Vandall for the McIntyre Interceptor Wastewater Sewer Design Project.

### **COUNCIL CONSIDERATION OF AGENDA ITEMS:**

**Ordinance No. 1062 – UDO Text Amendment (Apiaries):** Councilmember Kirby moved to approve and adopt Ordinance No. 1062. Councilmember Buehler seconded the motion.

- Councilmember Studnicka stated question, how does this effect the guy initially here a couple of years ago? The guy put an apiary in a flood plain down there behind Tim's neighborhood there in Fawn Valley. He couldn't put in lavender, he couldn't do other stuff, whatever. How does this affect him? He does have bees.
  - Councilmember Garvey stated on west Mary.
    - Community & Economic Development Director Matt Schmitz responded right. So that property I believe is zoned R-2 if my memory serves. I don't think it's zoned as Ag. He had actually requested for it be down zoned to Ag and that was denied. That would have allowed him to do the lavender and those things. In this case, so an R-2 would be a conditional use same as what we're talking about here for properties less than five acres. If that property was more than five acres so he would have been allowed to put the hives in as long as they were less than 200 feet from any other structure.
      - Councilmember Studnicka responded the property line.
        - Community & Economic Development Director Matthew Schmitz replied right.
          - Councilmember Studnicka stated ok, thank you.
            - Community & Economic Development Director Matthew Schmitz responded sure.
              - Mayor McNeill asked any other discussion.
- Councilmember Trinkle asked is this a time I can ask a question.
  - Mayor McNeill replied that was earlier about three times I asked if you had any discussion but go ahead.
    - Councilmember Trinkle stated thank you. We were bringing this back because we wanted to look at it a second time. Are we accomplishing what we wanted to look at a second time now?

- City Administrator Tim Vandall replied yeah.
  - Mayor McNeill responded I think it was the distance.
    - Councilmember Trinkle stated we could have passed this already. It would have went down in ink already but we had to bring it back because we wanted to look at something else on it.
      - City Administrator Tim Vandall stated this was to add that buffer.
        - Mayor McNeill replied I think the recommended buffer when we discussed it last time, it was fifty feet. They actually extended that to two hundred feet.
          - Community & Economic Development Director Matthew Schmitz stated the recommended buffer initially was fifty feet from the property line. This is now set up that it's two hundred from any structure not owned by the applicant basically.
        - Councilmember Trinkle responded well I was asked that question and I couldn't answer it. I said I guess there was probably a comma out of place, a period or something but I'm sure there was a reason for it being brought back.
      - Mayor McNeill replied it had to do with the buffering.
        - Community & Economic Development Director Matthew Schmitz right, it was the buffers on properties greater than five acres.
    - Councilmember Trinkle stated just as long as we accomplished what we set out to do.

The motion was unanimously approved.

**Ordinance No. 1066 – Vacation of Right-of-Way:** Councilmember Studnicka asked does this change the zoning. If we vacate this and it's added back to the property, will it change the current zoning on that property.

- Community & Economic Development Director Matthew Schmitz replied no anytime you vacate a property; it takes on the zoning of whatever its being returned to. So, since the current zoning on that lot 2 is B-3, this vacated area would return to that lot and also be zoned as a B-3.
  - Councilmember Studnicka asked isn't this the same parcel of property that the developer, the owner wanted to change zoning in a couple of months ago that we denied.
    - Mayor McNeill responded yes.
      - Community & Economic Development Director Matthew Schmitz replied correct, he requested a rezone from B-3 to R-3 I believe.
        - Councilmember Studnicka stated thank you.
          - Councilmember Garvey asked if it gets denied, he can't bring it back right. Ever.
            - Community & Economic Development Director Matthew Schmitz replied he can bring it back in the future.

- Councilmember Garvey asked there are certain things that get denied that they can't bring them back right.
      - City Administrator Tim Vandall responded I think with rezones you have to wait a year.
    - Councilmember Garvey asked is that what it is. Ok, I knew it was something
  - City Administrator Tim Vandall replied I'm not familiar if there is a rule with vacation of right of way.
    - Community & Economic Development Director Matthew Schmitz responded I don't think there is on the request.
  - City Attorney Greg Robinson replied to my knowledge, as the question was presented, the vacation you can bring that back whenever but if it's the zoning.
  - Councilmember Garvey stated the zoning, yeah. That is what it was I was thinking about.
- Councilmember Buehler stated so if we are having a discussion before the motion, here is Gregg's two cents.
  - Mayor McNeill responded let's have a motion first.
    - City Administrator Tim Vandall replied you can have a discussion before a motion.
  - Mayor McNeill stated go ahead.
    - Councilmember Buehler stated so here is my feelings on this. We consistently give, give, give to these developers and on the one instance, incident where we had a sit-down restaurant that wanted to go in where Harbor Freight is going. The developer, when the sit-down restaurant asked to expand the northern driveway and a dual use driveway said owner of that property said no. So, they ask us to give, give, give but yet when something comes to benefit the city, they don't think about the city. I got no issues if he wants to buy it and we sell it to him. Do we know what that is appraised for?
      - Community & Economic Development Director Matthew Schmitz responded we do not have an appraisal on the property.
    - Councilmember Buehler asked would it be difficult to get an appraisal on the property.
      - Community & Economic Development Director Matthew Schmitz replied no.
        - Councilmember Buehler stated so I personally feel that we should get the property appraised and go into discussions with him about buying the property. Because I really, I mean we give all the time to these guys, and I think we need to start looking out for the best interest of the city on this one.
      - Councilmember Trinkle asked are we going to penalize a local business just because maybe they don't want to connect their driveway to somebody else's. I'm just throwing it out there.
    - Councilmember Buehler stated are we going to penalize. For the same thing Dave, we waived the park fees, waived the street fees, waived these



- Mayor McNeill replied Gregg also look at the other side which is do we want that developed and if we were to give it to him, would he develop it. Because it would be a larger lot. The Council made the decision we want that to stay B-3, right. So, in order to put some kind of business there, you can't have a big strip of ROW right in front of the street. That is why he is looking at it.
- Councilmember Buehler responded I understand that. And I'm saying why can't we get it appraised and go from there.
- Mayor McNeill stated we certainly can.

Councilmember Kirby moved to table Ordinance No. 1066 and request an appraisal be made on the property. Councilmember Buehler seconded the motion. The motion was approved with Councilmember Dixon and Trinkle voting against the motion.

- Councilmember Garvey stated I know it has already passed but let me ask a question before we move on. Have we ever vacated a right of way without a plan, going to the Planning Commission for what is going to happen to the property? We have never done that.
  - Community & Economic Development Director Matthew Schmitz responded I couldn't tell you yes or no to that question.
    - Councilmember Garvey replied no, we have never done that. But yet this is put before us without a plan.
      - Community & Economic Development Director Matthew Schmitz stated I will say I have seen it done in other cities. But I can't tell you for sure whether or not Lansing has ever done it.
      - Councilmember Garvey ok.

**Ordinance No. 1067 – UDO Text Amendment (Peripheral Street Fees):** Councilmember Kirby moved to approve and adopt Ordinance No. 1067. Councilmember Garvey seconded the motion. The motion was unanimously approved.

**Final Plat – Richardson Replat:** Councilmember Brungardt moved to approve the final plat for Richardson Plat. Councilmember Buehler seconded the motion. The motion was unanimously approved.

**Family Eye Care Site Plan (Informational):** Community & Economic Development Director Matthew Schmitz stated I didn't know I was giving a presentation but if there are any questions about what the Site Plan encompasses or the development.

- Councilmember Studnicka asked what about the access to those two properties. They talked about the road, they talked about moving their entrance.
  - Community & Economic Development Director Matthew Schmitz responded so the Site Plan that was approved by the Planning Commission shows that road being moved to the north so it's roughly five feet off the property line. It'll be entirely on FEC's property, and it would not be a shared driveway between the two properties. At some point in the future when whoever builds on that lot on the south, they'll have to figure out access for their property when that time comes.
    - Councilmember Kirby stated this is what we asked for.
      - Community & Economic Development Director Matthew Schmitz replied right.
        - Councilmember Studnicka stated we had a big discussion about it.
          - Mayor McNeill asked ok any other discussion on that one.

## **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 reported Everyg finished some of their utility relocation at the K-7 and Eisenhower intersection. They did a solid job and it's a lot less cluttered now. Library Director Terri Wojtalewicz received a grant for \$8,000. The funds will be used to upgrade the internet service at the library and for some benches outside the library so Wi-Fi can be utilized. The Kansas State Legislature updated their bill on Sunday alcohol sales. If the Council is interested, we can add an Ordinance to the next meeting for the sale of alcohol on Sunday mornings. Two of the three liquor stores in town gave positive feedback in regard to it. Both Basehor and Leavenworth have went ahead with Sunday sales changes. The Council gave a thumbs up for the Ordinance. We have spoken to an aquatic's consultant about doing a basic feasibility study for a pool that would include size, features, where it might go, etc. This study would be under \$15,000.

- Mayor McNeill stated the consultant would be able to provide a rough price on the cost based on the size and features we might be interested in. The Council was amiable to the feasibility study.

**Governing Body:** Councilmember Garvey welcomed Family Eye Care to Lansing. Councilmember Buehler congratulated Terri and stated great job on getting the grant for the library. He provided a fun fact, on this day in 1957, American Bandstand debuted on ABC. Councilmember Brungardt stated please get vaccinated.

**ADJOURNMENT:**

Councilmember Trinkle moved to adjourn. Councilmember Buehler seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:24 p.m.

**ATTEST:**

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Mayor, Anthony R. McNeill

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City Clerk, Sarah Bodensteiner, CMC