

CITY OF LANSING

CITY COUNCIL MEETING

REGULAR MEETING MINUTES
December 5, 2019

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

Ward 2: Andi Pawlowski and Don Studnicka

Ward 3: Kerry Brungardt and Jesse Garvey

Ward 4: Tony McNeill

Councilmembers Absent: Dave Trinkle and Gregg Buehler

OLD BUSINESS:

Approval of Minutes: Councilmember Brungardt moved to approve the regular meeting minutes of November 21, 2019, as presented. Councilmember Kirby seconded the motion. The motion was unanimously approved.

Audience Participation: Mayor Smith called for audience participation and Maralee Thompson at Willow Drive came forward. She thanked the Council for adding the dead end sign on Willow Drive. Maralee Thompson stated she is back to discuss the need for a stoplight at K-7 and Gilman. Mayor Smith clarified that studies had been done in the past and KDOT said the City would have to pay for it. At that time about 10 years ago, it was estimated around \$400,000. Ms. Thompson asked what the process would be. Staff explained we would need to get with KDOT to see what requirements they would need to have met along with work sessions among the Council to see what needs to be done in regard to electricity, surveys, grading and to budget for it. City Administrator Tim Vandall stated it would be a process that would take a couple of years. Staff let Ms. Thompson know it can be added to the January Work Session for discussion and we would go from there.

Representative Jeff Pittman encouraged the Council to align themselves with Leavenworth and the County on strategic items taken to KDOT and the State level, more specifically regarding the Centennial Bridge and new bridge idea over to Missouri. The more aligned the area cities are then more likely we are to receive some of the KDOT money to fund improvements for the area. He also let the Council know January 13th is the start of the new legislative session and there are issues around taxes. One is the Ad Valorem Tax and the other is the Internet Retail Sales Tax that will make our local businesses more competitive.

Presentations

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Lansing Tree Board Appointments: Councilmember Kirby moved to appoint Dale Eikmeier and Kevin Gardner to the Lansing Tree Board for a term that will expire December 31, 2022. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Lansing Parks & Recreation Advisory Board Appointments: Councilmember Brungardt moved to appoint Tricia Howell, Bob Lamborn, Mike Williams and Casey Worrell to the Lansing Parks & Recreation Advisory Board for a term ending December 31, 2021. Councilmember Kirby seconded the motion. The motion was unanimously approved.

- Councilmember Garvey asked does that mean we just keep an open position now.
 - Parks & Recreation Director Jason Crum responded that is correct. We do have one open position, but we also already received another application.
 - Mayor Smith replied that is good Jason.

Change Order Request – City Project 18-02: Councilmember Kirby moved to approve the change order request from Linaweaver Construction in the amount of \$69,415.18 for rock encountered on City Project 18-02. Councilmember Pawlowski seconded the motion.

- Councilmember Pawlowski stated waiting for Tony to tell us something.
- Councilmember McNeill stated I've got a question. Did you see my question I emailed you.

- Wastewater Utility Director Tony Zell replied I did not.
 - Councilmember McNeill asked I wanted to know about the timing, so this is 18-02, the Northwest Project.
 - Wastewater Utility Director Tony Zell responded correct.
 - Councilmember McNeill asked so when did we let the contract and then when did we actually get the easements.
 - Wastewater Utility Director Tony Zell responded this has been going on for almost a year. If you'll recall the original contract and bid was in December of last year. December 14th it was awarded by the Council of '18. We had a few faux pas and a few hiccups to work through during that time, during the contract administration, while still trying to acquire easements. The intent because of the restriction of the golf course was to begin the project at the Southwest corner of the golf course and then move west through there through the wintertime and be done by the spring. Which time, we thought was ample given the timeline from condemnation that we would have acquired the easements in the spring of this year to be able to start at the beginning. It was during the course of those discussions with those property owners that they requested through their attorney that we modify the alignment to make the property more developable, more buildable, etc., etc. And in working up an ultimate alignment, we also asked Linaweaver if they would provide us with a change order to facilitate that alignment which they gave us. At that time, we still did not have easements for that property that was in April of this year. April 29th the Council approved that change order to modify the alignment, yet we still had no subservice exploration. It wasn't until August 27th of this year that we actually had the easements and the go ahead from the property owner and we had already issued a notice to proceed to the contractor to begin work. So, no one really had the opportunity to get on the property ahead of time nor would they give us the opportunity to get on there and do it to allow anybody to try and find rock.
 - City Administrator Tim Vandall stated I guess the other thing I would add to that having a project go right through the middle of the golf course really was challenging from a timing perspective. Had the bid letting been delayed a month or two that could have thrown off the golf courses schedule and pushed the whole project back 10-11 months. So that was a big component of it. If we were going through an existing easement or something like that it wouldn't have been quite as challenging but going through a golf course in the middle of prime construction season is hard.
 - Councilmember Garvey asked we had a deadline with that too, right. There was a penalty if we didn't make the deadline right.
 - Wastewater Utility Director Tony Zell responded right. There was a deadline in place. We actually

- extended that; they were able to extend it.
 - Councilmember McNeill replied I know its part of winter and getting that piece done. I didn't know if it was in phases or whatever but to me, when I read it, it doesn't make sense that we're contracting for something when we don't own the property yet. So, we don't even know what the property looks like so then again, we don't do core sampling because we don't own the property yet.
- Wastewater Utility Director Tony Zell stated but we don't always do core sampling either. There are some properties that you just can't get samples on due to terrain or water or creeks or whatever, so we don't always have every manhole core location.
 - Councilmember McNeill asked wasn't this one a re-dig.
 - Wastewater Utility Director Tony Zell asked I'm sorry.
 - Councilmember McNeill asked wasn't that part of it a re-dig, we had to go around. We would have been in an area where we're re-digging, replacing.
 - Wastewater Utility Director Tony Zell responded the original alignment, yes, but we shifted.
 - Councilmember McNeill replied but because we had to go around that. Now we're in a new area, right.
- Wastewater Utility Director Tony Zell stated that's correct.
 - Councilmember Studnicka asked were there any borings done on this project.
 - Wastewater Utility Director Tony Zell replied oh yes. There's a significant number of bores done, every manhole location we can get. It was this property and the adjacent property owner that would not allow us, the two that we got hung up on. They just wouldn't allow us to do it. I guess I feel more comfortable knowing the contractor now, they're the ones that dug the test holes. They're the ones that quantify the amount of rock. They're the ones that provided us with the profiles, so this is what we believe is there. Our resident inspector who is making sure those quantities are correct. I'll tell you and Matt can attest to it, there is significantly hard, white limestone that they are in. The unit cost per yard is actually cheaper than what I would anticipate spending.
 - Councilmember Kirby asked is that where they are going under the road there.
 - Wastewater Utility Director Tony Zell responded no, it's actually just to the East of La Mesa. If you pull around to the back parking lot, you'll see a huge, giant, white pile of rock. I mean, it's 518 ft, I think.
 - City Attorney Greg Robinson stated Mr. McNeill to your point though, even though there wasn't those bores that Tony was talking about that couldn't be done at the time. From my perspective, it's still a wash. I know it's hard to quantify in this sense, if we would have had to litigate its end to keep the original route based on the potential loss and value of that property on that alignment, we would have spent a considerable amount.
 - Councilmember McNeill stated the cost, I don't care. I mean, I do care because it's cost, right but I was more thinking about the process and the why.

- City Attorney Greg Robinson responded ok I'm just making sure.
 - Wastewater Utility Director Tony Zell responded I think the timeline was somewhat convoluted in that we had a couple of developments waiting in the wings.
- Councilmember McNeill stated I remember the timeline. I just want to make sure that it was this project. I remember the project and I remember a couple of executive sessions.
 - Wastewater Utility Director Tony Zell stated yes, absolutely.
- Mayor Smith asked any other questions.

The motion was unanimously approved.

Renewal of Cereal Malt Beverage License – Petro Deli #2 Inc: Councilmember Kirby moved to approve the renewal of the Cereal Malt Beverage License for Petro Deli #2 at 601 S. Main St. Councilmember Garvey seconded the motion. The motion was unanimously approved.

Renewal of Cereal Malt Beverage License – Truman Town LLC, dba Woody's Gas Express: Councilmember Kirby moved to approve the renewal of the Cereal Malt Beverage License for Truman Town LLC, dba Woody's Gas Express at 109 4-H Road. Councilmember Garvey seconded the motion. The motion was unanimously approved.

Renewal of Cereal Malt Beverage License – Shree Nivas Inc., dba Finish Line: Councilmember Brungardt moved to approve the Cereal Malt Beverage License for Shree Nivas Inc., dba Finish Line at 506 N. Main Street. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Renewal of Cereal Malt Beverage License – Aldi Inc: Councilmember McNeill moved to approve the renewal of the Cereal Malt Beverage License for Aldi Inc. at 1217 N. Main Street. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Request for Cereal Malt Beverage License – GMRG ACQ 1 LLC dba Pizza Hut: Councilmember Brungardt moved to approve the Cereal Malt Beverage License for GMRG ACQ 1 LLC, dba Pizza Hut at 407 N. Main Street. Councilmember McNeill seconded the motion.

- Councilmember Pawlowski asked did they not have a Cereal Malt Beverage License before.
 - City Clerk Sarah Bodensteiner responded they had previously but they changed ownership and during that time frame, it doesn't transfer so they decided to stop selling. They are wanting to start back up.
 - Councilmember McNeill stated which is why it was inspected.
 - City Clerk Sarah Bodensteiner replied yes.

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 he had read in the Kansas City Star that Governor Kelly's Tax Council is looking at bringing back LAVTR. It's a tax rebate that goes to all the cities and it's still on the books. It stopped being dispersed to cities and counties in 2004-2005. At one point, Lansing was getting \$29,000 a year from that. That's pretty significant amount coming back to the city. He

encouraged the Council to speak to Representatives about the benefit this would be to the city again. Discussions have continued with KDOT with them agreeing to do the right turn lane in 2021 at the time of the grant.

- Councilmember Pawlowski asked if that alters QuikTrip's design.
 - City Administrator Tim Vandall stated QuikTrip is still allocating 12 feet of right of way to the City. We won't need to purchase anything and they will push back their sidewalk a bit. They are still designing as if it's there but it won't be done until 2021.

Governing Body: Mayor Smith thanked the Councilmembers who attended the Mayor's Tree Lighting Ceremony as well as volunteers and staff. He stated it's a great program to help those in a tough time. Councilmember Garvey stated he attended the Mayor's Tree Lighting Ceremony and the performers were great. He also provided a fun fact, on this day in 1877 Thomas Edison made the first sound recording when he recited Mary had a little lamb to his phonograph machine.

Councilmember McNeill thanked the PRAB volunteers and the Tree Board stating we appreciate you volunteering for those boards.

Councilmember Brungardt thanked Representative Jeff Pittman for coming to the meeting.

Councilmember Studnicka thanked all the volunteers stating we can't do it without them.

ADJOURNMENT:

Councilmember Studnicka moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:36 p.m.

ATTEST:

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk