

CITY OF LANSING

CITY COUNCIL MEETING

REGULAR MEETING MINUTES
December 6, 2018

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: Andi Pawlowski and Don Studnicka

Ward 3: Kerry Brungardt and Jesse Garvey

Ward 4: Tony McNeill and Gregg Buehler

Councilmembers Absent:

OLD BUSINESS:

Approval of Minutes: Councilmember Kirby moved to approve the regular meeting minutes of November 15, 2018, as presented. Councilmember Studnicka seconded the motion. The motion was unanimously approved.

Audience Participation: Mayor Smith called for audience participation and no one came forward.

Presentations – Waste Management: John Blessing from Waste Management stated there has been a shift in recycling with the focus being more on quality than quantity. China has changed its contamination requirements from the previous 10% allowed, to it now being 0.5%. Because this is such a drastic reduction, Waste Management is looking at this issue in a two-step process in order to address the change this creates to recycling. One step is educating residents on recycling. Most people recycle, which is good, but a majority of people do not recycle correctly, so educating the public on what truly is recyclable and how to be the most efficient recycler is in the works. The second step is addressing the cost of recycling. Waste Management proposed an increase for Lansing residents of 87 cents a month would be needed to offset the additional cost of recycling. City Administrator Tim Vandall stated that the Solid Waste Assessment Group, who met with Mr. Blessing on his topic a few months ago, reviewed the information and they felt a 50 cent increase would be more palatable for residents. The Council agreed to look at it at a future meeting with all options, including financial aspects and contractual obligations, being presented.

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Renewal Special Use Permit – 292 W. Gilman Road – More than 4 Animals:

- Councilmember Trinkle asked any complaints.
 - Animal Control Officer Wendy Burr replied nope, everything is the same as last year. Same amount of chickens. Nothing has changed from six months ago.
 - Councilmember Trinkle stated nothing's changed.
 - Councilmember Buehler stated so wait a minute, this, where it says observed violation.
 - Animal Control Officer Wendy Burr responded I observed no violations.
 - Councilmember Buehler responded ok hang on, I got to make sure I'm looking at the right one.
 - Councilmember Brungardt asked do you need a motion to approve Mayor?
 - Mayor Smith responded yes.

Councilmember Brungardt moved to approve the Special Use Permit for More than 4 Animals at 292 W. Gilman Road. Councilmember Garvey seconded the motion.

- Councilmember Buehler replied so again, even though, so the sheet that is checked observed violation, there was no observed violation.

- Animal Control Officer Wendy Burr responded no down in the bottom it should have said in my statement that I observed no violations. It's a follow up sheet.
 - City Administrator Tim Vandall stated oh, ok. So, it's a typo.
 - Animal Control Officer Wendy Burr asked is it a typo?
 - City Administrator Tim Vandall stated it does say observed violation.
 - Councilmember Garvey replied it does, yeah. You checked a box that says it.
 - Councilmember Buehler responded and that is why I am asking because it does not in the remarks.
 - Councilmember Brungardt stated you've made it clear there wasn't a violation, correct.
 - Mayor Smith asked there's no violation.
 - Animal Control Officer Wendy Burr replied no violations.
 - Councilmember Buehler replied ok, that's all I wanted to clarify.

The motion was unanimously approved.

Renewal Special Use Permit – 224 Debra Street – More than 4 Animals: Councilmember Trinkle moved to approve the Special Use Permit for More than 4 Animals at 224 Debra Street. Councilmember Buehler seconded the motion.

- Councilmember Trinkle stated same question.
 - Animal Control Officer Wendy Burr replied one dog passed away and within a couple of days, they went back up to five dogs and got another rescue.
 - Mayor Smith asked same situation though.
 - Animal Control Officer Wendy Burr replied same amount of dogs, same. Nothing has changed.

The motion was unanimously approved.

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

Renewal of Cereal Malt Beverage License – Truman Town LLC, dba Woody's Gas Express: Councilmember Garvey 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 Pawlowski 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 renewal of the Cereal Malt Beverage License for Shree Nivas Inc., dba Finish Line at 506 N. Main Street. Councilmember McNeill seconded the motion. The motion was unanimously approved.

Award of Bid – NW Relief Sewer Project (City Projects 17-04 and 18-02): Councilmember Kirby moved to table Award of Bid - NW Relief Sewer Project to give city staff ample time to study some issues that occurred over the last day. Councilmember Pawlowski seconded the motion.

- Councilmember Pawlowski stated oh, we have people up here.
 - Mayor Smith replied I'm sorry, go ahead.
 - If that's alright, my name is Toby Hausner.
 - Mayor Smith stated ok we are going to table it and bring it back.
 - Attorney Toby Hausner replied ok.

- Mayor Smith responded because there are some things that came up, you all made us aware of that we want to take a look at.
 - Attorney Toby Hausner replied very good.

The motion was approved with Councilmember McNeill voting against the motion.

Ordinance No. 1013 – Condemnation Ordinance for NW Relief Sewer Project 18-02:

Councilmember Buehler moved to adopt Ordinance No. 1013. Councilmember Pawlowski seconded the motion.

- Councilmember Pawlowski asked Tony, how many.
 - Wastewater Utility Director Tony Zell responded we have two property owners that contain six parcels as of today, everyone else has signed.
 - Councilmember Pawlowski asked and have we talked to them or are they not responding.
 - Wastewater Utility Director Tony Zell replied we are in the process of discussions, yes, we've had discussions throughout; either through myself, our City Attorney or through our Easement Consultant.
 - Councilmember Garvey asked but if we don't do this, it'll delay the project, right.
 - Wastewater Utility Director Tony Zell responded well we're doing this to keep the project on track. We've provided the ninety days, we've reached out to them and gave them an opportunity to make counter offers, to negotiate and given the timeline set forth with the condemnation resolution and through guidance from our City Attorney, this is the next logical step to keep moving forward with the process.
 - Councilmember Pawlowski stated done it before.

The motion was unanimously approved.

Lansing Historical Museum – Discontinue Operations: Councilmember Brungardt moved to invoke item no. 6 of the 2005 Contract for the Transfer of Property and Transfer of Day-to-Day Operation and discontinue the operation of the current Lansing Historical Museum and return the physical museum structure and its contents to the Lansing Historical Society as-is. Councilmember McNeill seconded the motion.

- Councilmember Pawlowski stated I have a question.
 - Mayor Smith replied go ahead Andi.
 - Councilmember Pawlowski asked the property underneath it is owned by the prison or the State of Kansas.
 - City Attorney Greg Robinson responded yes.
 - Councilmember Pawlowski asked why would we just not give it to them.
 - Councilmember Garvey stated they don't want it.
 - Councilmember Pawlowski replied well I know they don't want it but let them deal with it.
 - Mayor Smith stated they made it clear they didn't want it.
 - City Attorney Greg Robinson responded my recollection of the history of that which even predates my time here and I've been here quite awhile is that there was some kind of agreement to absolutely

move the structure there and to some respect, the structure is lack for a better way of saying is almost considered like a mobile home. I mean in a sense that the structure belongs, it was brought in, trucked in, dropped onsite.

- Councilmember Pawlowski stated we're treating it like personal property and not like real property.
 - City Attorney Greg Robinson asked I'm sorry.
 - Councilmember Pawlowski stated we're treating it like personal property not like real property.
 - City Attorney Greg Robinson replied yes, almost like a mobile home.
 - Councilmember Pawlowski responded but my question is if, as we know, if the State decides they want that, all they have to say is we're killing the lease and we're taking it back.
 - City Attorney Greg Robinson asked the land.
 - Councilmember McNeill stated the land, not the building.
 - City Attorney Greg Robinson replied yes.
 - Councilmember Garvey responded bulldoze the building.
 - Councilmember Pawlowski replied well they'll do whatever.
 - City Attorney Greg Robinson stated well it's kind of like Lost 80 Park in a sense, right. I mean if they sold off that lot, well they can't obviously sell the building structure but they could sell the lot.
 - Councilmember Pawlowski asked why couldn't they?
 - City Attorney Greg Robinson replied well, it doesn't belong to them.
 - Councilmember Buehler stated it's not theirs, it's an agreement.
 - Councilmember Pawlowski responded but a deed says with appurtenances and all that.
 - City Administrator Tim Vandall stated I think there is a 12-month notice period if the State decides to do that. So, I don't know if it's still there after the 12-month notice period, maybe the State could do that.
 - Councilmember Kirby replied it becomes the Historical Society's problem.
 - Mayor Smith stated that's exactly right.
 - City Attorney Greg Robinson stated I would like to think the State would just want to wash its hands. For example, if it sold that lot.
 - Councilmember Brungardt asked why would we consider doing that.
 - Councilmember Pawlowski responded I'm just trying to think what is best for us.
 - City Attorney Greg Robinson stated what is best for us is to wash our hands of it and give it back
 - Mayor Smith replied absolutely.
 - Councilmember Garvey stated walk away.
 - City Attorney Greg Robinson repeated walk away. Then it becomes not our problem.
 - Councilmember Trinkle stated bye, bye birdie.

The motion was unanimously approved.

Executive Session – Consultation with Attorney: Councilmember Buehler moved to recess into executive session for the consultation with an attorney for the City which would be deemed privileged in an attorney-client relationship. K.S.A. 75-4319(b)(2) for 45 minutes, beginning at 7:37 PM and returning to the Council Chambers at 8:22 PM. Councilmember Garvey seconded the motion. The motion was unanimously approved.

Councilmember Kirby moved to return to Open Session at 8:22 PM. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

REPORTS:

Department Heads: Department Heads had nothing to report

City Attorney: City Attorney had nothing to report

City Engineer: City Engineer had nothing to report

City Administrator: City Administrator Tim Vandall had nothing to report

Governing Body: Mayor Smith thanked Sarah, Jim, and staff for relocating the Mayor's Christmas Tree Lighting to the Middle School, and the school district was so helpful as well. He got so many compliments with the seating and being able to take pictures. Mayor Smith also thanked Councilmembers Studnicka, Trinkle, Kirby and Garvey for attending the ceremony.

Councilmember Buehler provided a fun fact, on this day in 1884, the 555 ft Washington Monument was completed 101 years after George Washington approved its location.

ADJOURNMENT:

Councilmember Buehler moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was unanimously approved. The meeting was adjourned at 8:23 p.m.

ATTEST:

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk