

CITY OF LANSING

CITY COUNCIL MEETING

REGULAR MEETING MINUTES
October 4, 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: Dave Trinkle and Gene Kirby

Ward 2: Andi Pawlowski and Don Studnicka

Ward 3: Jesse Garvey and Kerry Brungardt

Ward 4: Gregg Buehler

Councilmembers Absent: Tony McNeill

OLD BUSINESS:

Approval of Minutes: Councilmember Kirby moved to approve the regular meeting minutes of September 20, 2018, as presented. Councilmember Buehler seconded the motion. The motion was unanimously approved.

Audience Participation: Mayor Smith called for audience participation and a resident came forward. Mike Langlois at 101 Ethel Lane stated that he has set up a Virtual Reality Haunted House in his home and received a notice from the City that he would need to attend a Council meeting to get permission and a permit to continue. Matthew Schmitz stated the sign outside the home caught the City's attention and doesn't meet any of the City's guidelines. City Inspector Becky Savidge stated the charging of residents is not permitted as a home business occupation. Matthew Schmitz informed the Council there is nothing in the Zoning Ordinance that would allow this type of operation. After discussion throughout the Council, it was suggested to Mr. Langlois to contact his neighbors, gather more information, discuss the signage issue to meet the City Ordinance, and bring it back to the Council.

Mayor pro tem Jermaine Wilson presented the Council with a flyer for the Twin City Initiative Fall Festival. With the idea of the festival to give exposure to businesses, bring community awareness, bring churches together to help and serve the needs of the residents in both Leavenworth and Lansing. City Attorney Greg Robinson's main concern is insurance coverage. Mayor Smith stated the Kansas City Community College is taking care of insurance coverage.

Presentation - Police Chief Steve Wayman presented Officer Beck and Officer Hancock with awards for a job well done on an arrest. The night shift Officers apprehended individuals who broke into several businesses in Lansing and possibly Leavenworth.

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Lansing Planning Commission Appointment: Councilmember Trinkle moved to appoint Nancy A. McDougal to the Lansing Planning Commission for a term expiring April 30, 2020. Councilmember Buehler seconded the motion. The motion was unanimously approved.

Ordinance No. 1009 - Rezone of 24481 139th Street: Councilmember Kirby moved to deny the rezone request and deny adoption of Ordinance No. 1009 as presented. Councilmember Studnicka seconded the motion.

- City Administrator Tim Vandall stated I think there are people who would like to speak.
 - Mayor Smith asked are there people who would like to address the Council on this issue.
 - Resident Debbie Dunn stated my husband and I live at 14026 McIntyre Rd. Our property is adjacent to the southern boundary of the adjoining property. As homeowners, we stay completely opposed to the rezoning, the proposed rezoning on Fairway on the following concerns and requests. The proposal presented at the Planning Commission included several buildings and multiple multi-tenant dormitories but did not provide evidence that viable septic system could be installed to handle the wastewater. Little evidence was provided on the environmental impact

water run off for noise abatement. 139th Street is controlled by the State of Kansas and no evidence was provided of a traffic study or approved by KDOT to allow heavy vehicle traffic access to the road and turning radius from southbound K7 onto 139th Street is not conducive to long vehicle traffic as should be expected based on the proposed business. The proposed rezoning should be considered spot track zoning as the property is bordered by agriculture residential property to the northeast, the entire north, west and south property lines. The authorized agent indicated at the Planning Commission that they would have on site security personnel clearly indicating that there are security risk by students at the school. A significant concern for most of us residents that border the property as many of us are retired. If the property is rezoned to B-2 General Business, they could then be resold to a variety of, a wide variety of businesses which are even more intrusive to a family residential environment. We appreciate the concern the Planning Commission raised during their consideration of the proposed rezoning and their vote which clearly supports the homeowner opposition to the rezoning. Thank you.

- Mayor Smith stated thank you. Anyone else like to address the Council on this issue? Yes, ma'am.
- Betty Wilson, realtor for the property stated I just wanted to make sure that you all had received a letter I had written. I would like to request that the letter be introduced to the minutes of the meeting tonight.
 - Mayor Smith asked we do have that. Ok. Yes, ma'am, we can do that.
 - Betty Wilson stated ok, thank you.

The electronic mail letter(email) from Betty Wilson to the Lansing Governing Body has been attached as Exhibit A.

- Mayor Smith stated thank you. Any other discussion on this one. We have a motion to deny the rezone request, deny adoption of Ordinance 1009.
 - Councilmember Buehler stated Matt, hang on, I get it and I understand the residents, is there something, is there anywhere else? Are you working with them to try and find somewhere else we can put this? I hate seeing businesses that want to come into this city and saying no to them. I mean we lost a business before because we said no, and I get it. And I'm not going to go against what the Planning Commission says because that is why we have them but is there something we can do. Can you work with them to try to find something that maybe get them to stay in Lansing?
 - Community & Economic Development Director Matthew Schmitz responded there are no other sites available. The only other way they could potential locate in Lansing is if they bought all the properties and combined them together. They're not interested in doing that.
 - Councilmember Pawlowski asked because of the size that they need.
 - Community & Economic Development Director Matthew Schmitz stated correct.
 - Councilmember Pawlowski asked do they need all 10 acres.
 - Community & Economic Development Director Matthew Schmitz responded 5-7, in that range.
 - Mayor Smith asked any other questions, concerns. Ok, Sarah.
 - Councilmember Buehler asked what was the motion?
 - City Clerk Sarah Bodenstener replied the motion is to deny the rezone request and deny adoption the Ordinance 1009.

The motion was unanimously approved.

Final Plat – Fairway Estates, 5th Plat: Councilmember Kirby moved to accept the public dedications of the final plat for Fairway Estates, 5th Plat. Councilmember Trinkle seconded the motion.

- Councilmember Buehler stated I have a question.
 - Mayor Smith stated yes, sir.
 - Councilmember Buehler asked in the final plat checklist, it says the preliminary plat has not been approved. That's what it says. Preliminary plat has been approved. No is checked.
 - Community & Economic Development Director Matthew Schmitz responded correct and the reason why it is checked is this was done under a development plan, there was no preliminary plat done. Because with a development plan you do a preliminary development plan, a final development plan and a final plat. There is no preliminary plat filed until we're done.
 - Councilmember Garvey stated because you don't need it.
 - Community & Economic Development Director Matthew Schmitz responded correct.
 - Councilmember Pawlowski asked so we've had the discussion before about the road not being a collector width. Is that the only difference or the only thing that is not up to our code. That's not the right word. It's not code.
 - Community & Economic Development Director Matthew Schmitz responded standards. So, Matt you want to help answer. I know it's a collector north of this subdivision, not a collector south. Is that correct?
 - City Engineer Matt Harding stated there is a collector street. Well, first of all, we have to take trucks on residential roads, we have collector street for minor arterials or arterials. A collector street in this neighborhood but when Fairway Estates was originally platted, there was just a residential street back to back.
 - Councilmember Pawlowski stated it comes in as a collector and then goes down to a residential.
 - City Engineer Matt Harding replied well I think it's a residential all the way to the north, I think. But on the south side of this, towards the Maples, there's a collector street that does not go. You want your collector street to go north and south to carry traffic, this comes down to basically the Maples and then veers off to the west.
 - Community & Economic Development Director Matthew Schmitz stated Holiday.
 - City Engineer Matt Harding stated Holiday. So, this collector street does not go anywhere. Part of this thorough fair is collector street standards, part of it is residential as it currently stands.
 - Councilmember Pawlowski stated right, but my question was is that the only.
 - City Engineer Matt Harding stated I think the collector street on the south. As far as I remember that is the only thing.
 - Councilmember Pawlowski responded because we've had the discussion about Pebble Beach more than once. Not recently but over the years.
 - Mayor Smith replied we sure have.
 - Councilmember Buehler asked, and the motion was to approve.
 - Mayor Smith responded yes.

The motion was unanimously approved.

Resolution No. B-7-18 – Desoto Road Project Award of Contract: Councilmember Brungardt moved to adopt Resolution B-7-18 as presented. Councilmember Kirby seconded the motion.

- Councilmember Pawlowski stated I have a question. So, the moving of the utilities is in addition to this.
 - City Administrator Tim Vandall replied so we haven't paid to move any utilities yet. We expect Lan-Del to be around \$200,000. We have funds for that separately. I think we were anticipating some of this going to Westar so when we do our bond issuance, it'll be around \$5.5 million. So, some of that will go to Westar and then some of that would go to the construction inspection.
 - Councilmember Pawlowski asked and we have \$1.8 million.
 - City Administrator Tim Vandall responded it was actually a little less than that.
 - Councilmember Pawlowski replied \$1.7 left.
 - City Administrator Tim Vandall replied \$1.6 or \$1.7 yeah.
 - Councilmember Pawlowski asked but that, out of that money, nothing has been paid for utility relocation.
 - City Administrator Tim Vandall replied yeah, we haven't paid for any utility relocation.
 - Councilmember Pawlowski asked and what about for right of way acquisition.
 - City Administrator Tim Vandall stated that's all done.
 - Councilmember Pawlowski asked was that paid out of this amount or did we pay that somewhere else.
 - City Administrator Tim Vandall responded we paid that I think from capital improvement.
 - Councilmember Pawlowski stated I'm just trying to figure out how much this project is going to cost us.
 - City Administrator Tim Vandall responded when it's all, I could probably get you a break down, so I know total engineering including when it was first designed as a five lane road. That was \$700,000 or \$800,000. I'd have to double check what the final number was for right of way acquisition. But Westar is going to be like \$475,000 or \$480,000. Westar is going to be pretty expensive because of all those poles.
 - Councilmember Pawlowski asked we're over \$8 million from Ida to Eisenhower, right, probably total cost.
 - City Administrator Tim Vandall asked say that again.
 - Councilmember Pawlowski stated \$8 million.
 - Mayor Smith stated something like that.
 - City Administrator Tim Vandall replied yeah, in that ballpark, yeah. But some of those things have already been paid for.
 - Councilmember Pawlowski responded right so but you think \$5.5 million.
 - City Administrator Tim Vandall replied for the bond issuance that will be on the agenda, I think at the next meeting. We're looking at \$5.585.
 - Councilmember Pawlowski stated so \$5.6.
 - City Administrator Tim Vandall replied closer to \$5.6.
 - Councilmember Pawlowski responded thank you.

The motion was unanimously approved.

Museum Building Discussion: Mayor Smith stated the City was notified late last week of the Lansing Historical Society's desire to take possession of the current museum building. If the Council is open to the request made by the Historical Society, the City Attorney will draft documents to transfer the building to the Lansing Historical Society.

- City Administrator Tim Vandall stated I'll start. We were contacted; I think staff is generally pretty open to the idea. Some of you guys recall the Historical Society owned it and operated it prior to 2006. So, staff is open to the idea if you guys are. If you guys are open to it, we'll have Greg and their attorney get working on some type of document that transfers the building to them. So, gets us out of it.
 - Councilmember Buehler asked what about everything that is in the building. Is that the Historical Society's, is that the City's, are we giving it to them, are they buying it from us. If we give it to them.
 - City Administrator Tim Vandall stated I think the language in that agreement says the building and the contents. I don't think we would, if you are talking about the artifacts, I don't think we would have any use for them. Is that what you are talking about?
 - Councilmember Buehler responded yeah, just the stuff that is in the museum. It doesn't make a difference about the building but I'm looking to see where everything else.
 - Councilmember Garvey replied and everything will be transferred into their name, utilities, all that stuff.
 - City Administrator Tim Vandall stated I guess one thing that crossed my mind, I mean, if we're able to find any type of, I know on recent donations, we have receipts and addresses of people who have donated them to us. So, if we have a list we could work with the Historical Society and say hey, just so you guys know the museum is the Historical Society's now and not the City's. I don't know if that make any difference to people who donated.
 - Mayor Smith stated we use to have things on loan.
 - City Administrator Tim Vandall stated yeah but I don't know if any people who've donated artifacts to us would care one way or the other. We should try and make that public.
 - Councilmember Kirby stated so we've owned the building since 2006. It got turned over to the city.
 - Councilmember Pawlowski responded it's been a long time ago.
 - City Administrator Tim Vandall stated yes.
 - Councilmember Kirby stated I'm reading the letter from the lawyer and the arrangement, the fact that we have keys to the museum. I'll read it. "From my review of the limited information it appears somehow during the course of various discussions or at some point thereafter, the City of Lansing acquired the keys to the museum building. That arrangement poses security risks." Why would we not have keys to a building we own? Ok.
 - City Attorney Greg Robinson replied just to your point Mr. Kirby that I think that the letter speaks kind of for itself in the sense that there was incomplete information because my communications with Ms. Hall, the attorney has been nothing but amicable.
 - Councilmember Kirby stated that's fine.
 - City Attorney Greg Robinson stated so I certainly understand and I addressed some of those issues you bring up. And again, I think it was based solely on incomplete information. And when we were able to revive her the signed contract because that's what they had. They didn't have in their files a signed executed

contract. So, when we were able to provide it to them obviously that switches it up.

- Councilmember Kirby responded and from my standpoint, all that, I don't care. We have keys to a building we own and we're responsible for it. And I take offense that, according to somebody, poses a security risk. So that's all I got to say.
- Mayor Smith asked does anybody else want to address this issue.
 - Councilmember Garvey asked how much money do we save by just giving it to them. In utilities and all that kind of stuff.
 - Councilmember Brungardt responded I thought it said \$42,000.
 - City Administrator Tim Vandall responded well when it was staffed, around \$42,000. The bulk of that was the staff person though. There are still some utilities, I believe, water and sewer are on LCF. I believe we pay for electricity. I think we pay for natural gas, phone, internet, security system, insurance.
 - Councilmember Garvey stated lots of things to consider
- City Administrator Tim Vandall replied I think there's benefit to, I know we talked about this back in January. There's just not a lot of cities our size that are in the museum business. I think when we did this, I think there was this hope it would turn into a tourist mecca and it hasn't.
 - Councilmember Studnicka stated but it still can.
 - City Administrator Tim Vandall replied yeah and it still can.
 - Councilmember Studnicka stated I mean at one time we got it moved down. We did a lot of volunteer stuff, community got to help fix the building up and all that other kind of stuff, put in some utilities. We talked about a regional prison museum to be built along there, try to get Leavenworth people involved and prison people involved. That kind of didn't really go anywhere. It can still be a, whatever, but I think the Historical Society could have it and let them run and deal with it.
 - Mayor Smith responded it's a new building to a certain degree. Cause inmates when they were doing some work on it years ago, tried to burn it down. So, our insurance paid to have it fixed. Quite a few thousands dollars if you all recall but I agree with you Don. I think we should, we're not overseeing it.
 - Councilmember Studnicka replied however it's got to be done legally with an agreement. You know, whatever.
 - City Attorney Greg Robinson stated and that's what I was going to ask for some guidance on. There was some preliminary discussions with the City Administrator about that in reference to the contents. There may be, let's say some electronics there that are pass their useful life so to speak. You know maybe running on Windows 7 now or whatever, it's like, do we really want that back. You know that type of thing. Maybe that be included as part of the contents if the Council doesn't have any objections to something like that. My thought was that, I thought we would like to for preservation purposes, for redundancy like NASA would do. Hey, give us a copy of all the E archives so that we will have them as well. So, if something ever happen to your stuff, we'd have a backup. That way because it does involve our city, we'd like to

at least have a copy of archival electronic data type stuff.

- Mayor Smith stated as there's nothing to say years to come down the line something else may happen to. You know switch back and forth a couple of times but Tim is correct. Cities our size for the most part don't oversee museums anymore.
- City Attorney Greg Robinson responded again not, again totally just off the cuff, but I think it was with our conversation today, does anyone have any information about a boundary issue on that museum? Does anybody have any knowledge of that?
 - Councilmember Studnicka asked what do you mean boundary issue?
 - City Attorney Greg Robinson there might be overlap.
 - City Administrator Tim Vandall responded I know the previous Fire Chief told me.
 - Mayor Smith stated oh yeah, I know where you're going.
 - City Administrator Tim Vandall replied the East boundary extended partially onto the deck. I don't know if that is true or not but honestly, they have already completed most of their utility work anyways.
 - Councilmember Pawlowski responded they got the deed to that property. We should be able to find the deed and get a from the courthouse.
 - City Administrator Tim Vandall replied I guess when that was brought up to me, it was kind of a head scratcher to me because they just got that property from LCF for the Department of Corrections. So, I don't know why the legal boundary went 3-4 feet onto the deck. I don't know why the legal boundary wasn't just 3 feet to the west but that's also me going off what Rick had told me. So, I'm not positive one way or the other.
 - City Attorney Greg Robinson stated I just didn't know if anybody had any information so when future discussions start.
 - Councilmember Garvey stated come to the microphone.
 - Debra Bates-Lamborn of the Lansing Historical Society replied no, I don't want the microphone. I'm good from here. If you look on LeavenworthCounty.org under GIS map, it does show the new boundary for the Fire Station and it does go up, maybe 2 feet onto where the deck is, the railroad tracks and you know, the crossbars. You know what I told Rick, I said if you don't like it, you can have it. But they agreed, you now, they don't want our deck. It's fine right now and it wasn't a big deal.
 - Mayor Smith replied ok, thank you.
 - Councilmember Pawlowski stated sometimes those pictures also depending on the angle at which they're taken from.
 - City Attorney Greg Robinson stated there, well at least in reference to the properties I have they are not accurate. The GIS that is.

- Councilmember Pawlowski responded I would guess when they did that, that they did a survey. I would think there are stakes out there
- City Attorney Greg Robinson stated I think there could be.
 - Mayor Smith replied just recently, yeah. I think Andi's right.
 - City Attorney Greg Robinson stated I was just asking for clarification. If anybody had any historical knowledge on that.
- Councilmember Trinkle stated the only thing I can say, you draft the document to the release or whatever we're going to be, insurance, we're completely out of it for any kind of liability. When it goes over, it's their baby.
 - Councilmember Kirby stated they want it, it's theirs. Lock, stock and barrel.
 - Councilmember Pawlowski asked you think you can do that by the next meeting.
 - City Attorney Greg Robinson responded we can try. I mean, well.
 - Councilmember Pawlowski asked you don't have other things to do, do you.
 - City Attorney Greg Robinson responded I think Ms. Hall has to confer with her client to see, ok, is this really what they want.
 - Councilmember Pawlowski asked but can't you just take the old agreement, turn it around and say we give it back.
 - City Attorney Greg Robinson stated sort of, I mean, it shouldn't take a huge amount, I would think, a huge amount of time but it's, you know, she still has to confer with her client so that we can proceed, so.
 - Mayor Smith asked ok is everybody comfortable with that.
 - Councilmember Brungardt responded yes.
 - Mayor Smith stated you've got your marching orders then, Greg.

REPORTS:

Department Heads: Department Heads had nothing to report

City Attorney: City Attorney asked if everyone saw correspondence that went out, in regard to the Fire District. We offered a sit down with discussion for a reduction in mills and we proposed to reduce the mill levy from 8.9 to 8.25. There was also a mention of returning authority back to elected officials and not just appointed officials. Another part of the discussion would be for compensated absences, approved sick leave and to alleviate fear that there would be less fire protection in the Districts/Townships. The City does want to maintain current staffing levels. We are still waiting to hear back if a sit-down discussion will occur.

- Councilmember Pawlowski pointed out that a County Commissioner had put out wrong information and was wondering if someone had spoken to that individual about the actual facts.
 - Greg Robinson said he did speak to the person and let them read the actual correspondence, so that individual is now aware of the truth.
- Councilmember Kirby was concerned that the taxpayers in the High Prairie Township are not aware that we are offering them the same conditions they currently have. We are talking about it all the time but the people that need to know, don't know.
 - Greg Robinson stated if they don't want to discuss contract issues then the City will need to make decisions to protect its contractual rights. The City would prefer the Townships input but it may come to the City formalizing an offer of their own.
 - City Administrator Tim Vandall stated a good faith effort has been made on the City's part from letting everyone speak at Council meetings, the City attending their Council meetings, a trail of emails and they won't even talk to us.
 - Councilmember Buehler stated he has spoken to Delaware Township residents and they aren't aware of what is going on either.
 - City Attorney Greg Robinson stated there is so much misinformation out there. If an amicable sit down with discussion

and/or negotiations don't happen, the Council will need to make the decision to move forward as they want.

City Engineer: City Engineer had nothing to report

City Administrator: City Administrator Tim Vandall informed the Council that the engineers who designed Bittersweet and are currently working on the roundabout may be attending the October 18th meeting to give a briefing on those projects. The Regional Supper in Overland Park is Oct 30th at the Matt Ross Community Center if anyone is interested in attending. The October Work Session will include a briefing from Matthew Schmitz on the Urban Growth Management Area, the Unified Development Ordinance and possibly a retail recruitment firm.

Governing Body: Councilmember Buehler congratulated Officer Beck and Officer Hancock. He says it shows what quality employees the city has and what they will do to help residents. He also provided a fun fact, on this day in 1895, the first U.S Open Men's Golf Championship was played at New Port Country Club in New Port, Rhode Island.

Councilmember Brungardt thanked Terri for an awesome Appreciation Dinner. He joked he had something to do with Officer Beck and Officer Hancock's work since he was their principal.

Councilmember Studnicka echoed Councilmember Brungardt and Councilmember Buehler's sentiments to the Officers as well as Terri for the Appreciation Dinner for volunteers. Councilmember Studnicka suggested looking into the interest of the virtual reality request as an ongoing business for other holidays.

Councilmember Trinkle, Councilmember Kirby and Councilmember Garvey echoed thank you's to the Police Officers and for the Appreciation Dinner. Councilmember Pawlowski inquired if the individuals arrested for breaking into businesses where the same ones breaking into cars. Police Chief Steve Wayman said not likely.

ADJOURNMENT:

Councilmember Garvey moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was unanimously approved. The meeting was adjourned at 8:00 p.m.

ATTEST:

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk