

**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:** Gene Kirby and Tony McNeill

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**OLD BUSINESS:**

**Approval of Minutes:** Councilmember Buehler moved to approve the regular meeting minutes of June 21, 2018, as presented. Councilmember Trinkle seconded the motion. The motion was unanimously approved.

**Audience Participation:** Mayor Smith called for audience participation and several community members came forward in regards to absorbing the Fire Department.

Jeff Klemp with Leavenworth County Fire District 1 stated he is disappointed Fire District board members weren't utilized in the decision process.

Rick Huhn with Leavenworth County Fire District 1 referenced the Fire District's current budget and expenses and offered options for going forward as a District.

Marcus Majure at Corey Lane in Rock Creek Estates asked what analysis, budget did the Council work from to reach this decision.

Bob Donaldson at 708 Bellerive Ct in Lansing asked for the cost analysis for a city run Fire Department versus a volunteer run Fire Department.

Brian Kellogg at 24532 Tonganoxie Drive, a High Prairie Township Trustee, expressed a concern on how the decision was made and how it affects his cost as a land owner.

Roberta Reddy at 24309 Tonganoxie Drive, the High Prairie Clerk, stated taxes can't go any higher and let the new Chief show what he can do for Leavenworth County.

Jim Dyson at 2727 887<sup>th</sup> St wondered about the level of service his community would receive if they came in with the Lansing Fire Department.

Dennis Ryan at 14920 Dempsey Rd asked about the ISO ratings and how the property will be divided up.

Trevor Huhn 829 Blueberry St asked how assets will be split up and financially covered between the City of Lansing and the Townships individually.

Kathleen Williams at 17203 McIntyre Rd, the High Prairie Treasurer, expressed concern about the trust being broken between the City and Townships.

James Madigan at 702 Bellerive Ct stated if isn't broken, don't fix it.

Jacob Will at 1632 Dana Lane asked if the Council researched how insurance rates would change for residents and businesses.

Terry Bartkoski at 16228 Dale Lane, the Delaware County Treasurer, asked why the Townships would want to stay associated with Lansing.

Mayor Smith stated the petition for 5 County Commissioner is on the November ballot and thanked Jeanette Labbee-Holdeman and said everyone involved did a great job getting the needed signatures to get this moving.

**Presentation:** Executive Director of the Leavenworth County Development Corporation, Steve Jack, presented an annual report. He discussed the 2018 marketing initiatives through multiple events, programs and projects.

**COUNCIL CONSIDERATION OF AGENDA ITEMS:**

**Request for More Than 4 Animals – 292 W. Gilman Road:** Councilmember Garvey moved to approve the special use permit for 292 W. Gilman Road. Councilmember Trinkle seconded the motion.

- Councilmember Buehler replied this was not due to a complaint.
  - Councilmember Garvey stated the neighbors' dogs attacked them.
    - Animal Control Officer Wendy Burr replied it was a complaint but not on their part. It was an incident but it wasn't against them.
      - Councilmember Buehler responded got it. That answered my question. You don't have to go up there now.

The motion was unanimously approved.

**Fence Request – 1001 North 8th Street:** Councilmember Trinkle moved to approve the fence request for 1001 North 8<sup>th</sup> Street. Councilmember Buehler seconded the motion. The motion was unanimously approved.

**Request for Sidewalk Waiver Fee – 705 Morgan Street:** Councilmember Brungardt moved to approve the waiver for the collection of the sidewalk fee for 705 Morgan Street. Councilmember Trinkle seconded the motion. The motion was unanimously approved.

**Request for Sidewalk Waiver Fee – 707 Morgan Street:** Councilmember Buehler moved to approve the waiver for the collection of the sidewalk fee for 707 Morgan Street. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

**Ordinance No. 999 – Rezone of 00000 Pebble Beach Drive:** Councilmember Studnicka moved to approve Ordinance No. 999, as presented. Councilmember Garvey seconded the motion.

- City Administrator Tim Vandall stated a citizen has a question.
  - Councilmember Garvey stated come up to the mic, yeah.
    - Mayor Smith replied Matt, we'll get right with you. Again, name and address please.
      - Bob Donaldson at 708 Bellerive down in Fairway. A number of us were present at the Planning Meeting. We overwhelmingly support the zoning change because obviously we had zoned out from my understanding. The way it was presented that could allow duplexes or apartments in that area. So I think I can speak on behalf on most of us in that area but we do support this. My concern that I expressed to the Planning Commission is currently Pebble Beach exits into Eisenhower. That is a terrible intersection. You come out of there and try to look right anytime in the afternoon and see sun, there's a hill. If we are going to put 80 more homes back there plus open Pebble Beach all the way through, we're going to have at least 100 more people coming through. I sat there this evening there were 30 cars that came off Eisenhower down Pebble Beach, turned left on Oakmont. None of them stopped in our subdivision. So they already use Oakmont as a cut through to avoid Highway 7 or 4<sup>th</sup> Street. And I just see a lot more vehicles coming down through there. And I don't think that Pebble Beach is constructed entirely as a collector street, the way it sits right now. I think, is that you that brought that up Sir. So I would just ask, we support Mike. He puts quality work in nice subdivisions but I think somewhere along the line we need to get some consideration to the traffic problems that are going to come through there. I understand that you have plans to go all the way through and connect Pebble Beach. Is there a possibility of not doing that, allowing Mr. Reilly put his in and at least decrease some of that traffic that comes from even further South?
        - Councilmember Pawlowski asked not putting the road through.
          - Councilmember Garvey stated it's already been approved.
  - Mayor Smith asked Matt, you want to address that.
    - Community & Economic Development Director Matthew Schmitz replied so from staff's perspective, we would not support, not connecting them because of traffic flow. We need those roads to be connected in order for traffic flow throughout the neighborhood. I totally understand your point of view and your concern and I don't disagree with them but I don't fully agree with them either. If I could walk that fine line.
      - Bob Donaldson stated that's what I am trying to avoid is traffic flow from the South.
        - Community & Economic Development Director Matthew Schmitz replied right but what you want, anytime, especially when you have 80 homes in a subdivision like that you want more than one access point to it. And you definitely want as many as you can get because you want emergency services, for example the Fire District to be able to get to it as easily as possible.
          - Bob Donaldson replied I've been living there 10 years with only one access on Pebble Beach to get to my house now.
            - Community & Economic Development Director Matthew Schmitz replied understood but the Comprehensive Plan from the city shows that all being fully developed that there are multiple outlets.
              - Bob Donaldson replied I mean I understand that.
                - Councilmember Trinkle asked is Progress going to go out and dump out to DeSoto.

- City Administrator Tim Vandall stated if I remember that correctly, I believe Chairman Gies brought that up in a Commission meeting that we're adding one more access point straight off of DeSoto which will have a traffic light so that will help out a little bit too.
      - Community & Economic Development Director Matthew Schmitz replied when Eisenhower Crossing gets built, Progress Drive will go all the way out to DeSoto Road, tie into DeSoto Road.
    - Bob Donaldson asked so you think people will use that though.
      - Community & Economic Development Director Matthew Schmitz I think so.
        - Bob Donaldson responded DeSoto's not the best road in the world right now.
    - Community & Economic Development Director Matthew Schmitz replied that will be improved as well at some point.
  - City Administrator Tim Vandall stated once we would get on DeSoto there would be three outgoing lanes and there would be a traffic light too. So that would be a little bit of an improvement.
- Councilmember Pawlowski asked the island won't go all the way down to Pebble Beach will it.
  - City Administrator Tim Vandall replied I don't believe so. No, I don't think it will go all the way down to Progress.
    - Councilmember Pawlowski responded that's going to be on that side, on Eisenhower.
      - City Administrator Tim Vandall replied yeah, I don't believe so. I'll double check.
        - Councilmember Pawlowski stated I think that when they put the road in for Eisenhower Crossing that goes all the way out. I think that will alleviate a lot of problems because people won't, I think people will go out there instead of turning left onto Eisenhower because it's dangerous.
          - Bob Donaldson stated yes it is. It's terrible. We're lucky we haven't had a fatality.
        - Mayor Smith replied we're working on that.
- Bob Donaldson responded so I just wanted to bring it to your attention. I'm sure you're all aware of that. Trying to prevent that. I mean I moved off of Oakmont because I was here 10 years ago asking Steve if we could start, some of you may remember, start our own, like some places in Colorado, they have citizens with radar guns watching because they cut through Oakmont about 30-40 mph.
  - Councilmember Pawlowski stated he won't let me have one in my neighborhood either because I tried.
    - Bob Donaldson stated you know, campus speed bumps, we asked that because the city won't allow speed bumps because of snow removal.
      - Ken Ketchum stated you got to have a racetrack, you know that.
        - Mayor Smith replied I appreciate it. Thank you.
          - Bob Donaldson replied Thank you.
- Mayor Smith asked Matt did you have anything.
  - Community & Economic Development Director Matthew Schmitz replied I don't have anything. I just came up here for any questions.
- Mayor Smith asked do you all have any questions.
  - Councilmember Pawlowski stated I do have a question. I've been on the Council long enough but Don and Dave probably remember the details about this more but I remember when Carol Hackman wanted to do something to her subdivision and we had this big battle over trees and planting in the right of way. Part of that discussion morphed into Oakmont, no not Oakmont, Pebble Beach. Part of it being a collector street and then when she did the next phase, she convinced the Planning Commission or the Council or somebody to let her do it smaller so that it's not a collector street and then there's some question about when it goes forward is it going to be a collector street or not a collector street. I just want to know what the plans are because I remember at the time I asked if the right a way is the same. If we ever had a problem and needed to widen it, the right of way is there and we can make it a collector street all the way through.
    - Community & Economic Development Director Matthew Schmitz replied correct. Matt if you want to jump in, feel free. The right of way is the same for residential or collector at 60ft right of way for either of those classifications. This particular street where Pebble Beach is going to be constructed will not be a collector street, the pavement width will not be the width of a collector.

- Councilmember Pawlowski asked is it a collector in the Maples or I think that is the Maples.
  - Community & Economic Development Director Matthew Schmitz asked is it Oakmont that ties in down there at the bottom. As Pebble Beach goes through before it goes into the Maples there is a street that ties in there because it is built to allow for access in the Maples.
    - Councilmember Pawlowski asked it is.
      - Community & Economic Development Director Matthew Schmitz replied Pebble Beach is, yes, from Holiday I believe it is.
        - Councilmember Garvey stated yeah it's Holiday.
          - Community & Economic Development Director Matthew Schmitz responded it comes up that section is built to a collector standard so it's wider pavement. That's being carried to the first intersection within this new subdivision and at that point is where it will change back to match Pebble Beach on the north end.
        - Councilmember Garvey asked that's where Oakmont is going to loop in and tie in to them.
      - Community & Economic Development Director Matthew Schmitz I think that is correct.
        - Councilmember Pawlowski asked we don't think it should be a collector all the way through.
    - Community & Economic Development Director Matthew Schmitz responded Matt you can speak to it more but there's just not a warrant for a collector street there because collector streets are generally supposed to be every mile or half mile.
  - City Engineer Matthew Harding replied half mile.
    - Community & Economic Development Director Matthew Schmitz replied which would actually put it right in the middle of the golf course or right around there. So there just isn't and you also want them to tie to arterial streets on both the north and south end and the only thing for it to tie to is Holiday which is a collector street. It's not, there's nowhere for it to go past that. So, it just doesn't, at least from staff's view it doesn't make sense to require it to be a collector.
  - Councilmember Pawlowski responded I know there's been some problems over in Fairway Estates in that part where it's not a collector street with parking. They park on both sides of the street, you can't get through. So maybe we're going to have to look at doing no parking or something on one side of the street. I mean, you know but I don't know why they did it that way. It was before I got on the Council but I know it was a huge deal. Well, Ken would remember probably, he was here. But anyway, it was a huge deal. I wanted to see clarification on that. Sorry. Thanks.

The motion was unanimously approved.

**Ordinance No. 1000 – Rezone of 1022 East Mary Street:** Councilmember Trinkle moved to approve Ordinance No. 1000, as presented. Councilmember Garvey seconded the motion.

- Councilmember Pawlowski stated ok, I got a couple of questions. The last one was R-2-P. Is that PUD?
  - Community & Economic Development Director Matthew Schmitz replied no, R-2-P is Planned District.
    - Councilmember Pawlowski responded Planning and Development.
      - Community & Economic Development Director Matthew Schmitz replied you can think of it as a Planned Unit Development. Similar to that except it's just adding that planned piece to an existing zone and classification.
        - Councilmember Pawlowski replied ok.
          - Community & Economic Development Director Matthew Schmitz responded Fairway Estates was done that way because they had some variances on setbacks so instead of having a 30 foot setback for example in the front its around 25 which is done to match existing homes that are already in the area. There's some site setbacks differences as well.

- Councilmember Pawlowski asked so on this piece they're not doing a Planned Unit Development.
  - Community & Economic Development Director Matthew Schmitz replied this is a straight R-2 zoning so it'll be, you'll have 30 foot setbacks on front and rear and 10 feet on the sides.
- Councilmember Pawlowski replied ok. I had asked, well you and I had the discussion. I asked members of the Planning Commission about perimeter street fees. I know that's something that we haven't talked about lately because we haven't had anything planned.
- Community & Economic Development Director Matthew Schmitz replied correct.
  - Councilmember Pawlowski stated but because this is on Mary, Mary has never been improved when does that discussion happen.
- Community & Economic Development Director Matthew Schmitz stated that discussion happens during Facilities Use Agreement I believe. Is that correct?
  - City Administrator Tim Vandall replied I believe so, yeah.
- Community & Economic Development Director Matthew Schmitz replied it doesn't happen as an action of the planning. What this action is, is just re-zoning property but when we do the Facilities Use Agreement for the property that would be the time to have those discussions and to negotiate, charging, collecting those fees.
- Councilmember Pawlowski replied the Councils typically, we don't usually get involved in those too terribly much.
  - Community & Economic Development Director Matthew Schmitz replied once staff negotiates the Facilities Use Agreement, then it comes to the Council for approval.
    - City Administrator Tim Vandall asked I'm trying to remember to is that based on the number of homes or linear feet that abuts Mary.
  - Councilmember Pawlowski replied linear feet.
    - Community & Economic Development Director Matthew Schmitz stated it's linear feet, there is a formula. Construction costs seem kind of low.
      - Councilmember Pawlowski stated and those numbers are really old because I think they were the same numbers we used when I came on the Council and I don't think we ever changed them.
    - Community & Economic Development Director Matthew Schmitz replied that's something we'll negotiate as we move forward. I know cost is a major concern for the developer. So, Mary Street, that was something that was brought up during the Planning Commission meeting as well, was traffic counts as far as adding potentially 148 homes off of Mary when it's fully developed.
      - Councilmember Pawlowski replied right.
        - Community & Economic Development Director Matthew Schmitz stated this initial piece is 14 homes, if it goes as it was platted originally. So it's of less concern but it's still something to be thinking of as we move forward.
      - Councilmember Pawlowski replied so this is just the re-zoning. We haven't gotten the plat or anything
    - Community & Economic Development Director Matthew Schmitz stated right, this is re-zoning. The preliminary plats don't come to the Council.
      - Councilmember Pawlowski replied right.
    - Community & Economic Development Director Matthew Schmitz stated preliminary plats are only approved at Planning Commission and then when we do the final plat you guys, the Council, will get the chance approve it at that point.
  - Councilmember Buehler asked when it says property has not been platted.

- Community & Economic Development Director Matthew Schmitz replied the preliminary plat was submitted at the same time as the re-zoning. Originally it was not platted. It's currently today zoned A-1 and there's no plat on the property.
  - Councilmember Buehler replied ok
- Community & Economic Development Director Matthew Schmitz responded because until the final plat is filed with the County, the property is unplatted. So it's a technicality. Basically we are working towards a plat but it's not platted today.
  - Councilmember Pawlowski replied ok

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 clarified his use of the word accountability in an interview that whether folks agree or disagree they would report directly to an Elected Body and not a separate body.

**Governing Body:** Councilmember Garvey stated he is glad to see everyone at the Council meeting and he values their opinions. With that being said we are a united Council, we make tough decisions for the betterment of the community.

Councilmember Buehler echoed Councilmember Garvey's sentiments and provided a fun fact, on this day in 1937 Spam first hit the market.

Councilmember Brungardt thanked Tim for his leadership. He wanted to publicly acknowledge that no one on the Council will have a vendetta and choose to vote in a way because of it. He stated there is no malice in the decisions we make. We try to make the best decisions with the information given to us and a lot of discussions. We aren't perfect human beings, we make mistakes; however, our intent is always to do the right thing.

Councilmember Studnicka asked Community & Economic Development Director Matthew Schmitz about the vehicle at 501 Forest Glen and when we could do a registered letter due to lack of communication. Councilmember Studnicka also thanked the staff who worked the Fireworks event.

Councilmember Trinkle echoed Councilmember Garvey's sentiments.

**ADJOURNMENT:** Councilmember Pawlowski moved to adjourn. Councilmember Garvey seconded the motion. The motion was unanimously approved. The meeting was adjourned at 8:43 p.m.

**ATTEST:**

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Michael W. Smith, Mayor

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Sarah Bodensteiner, City Clerk