

**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

**Ward 2:** Andi Pawlowski and Don Studnicka

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

**Ward 4:** Gregg Buehler and Tony McNeill

**Councilmembers Absent:** Gene Kirby

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**OLD BUSINESS:**

**Approval of Minutes:** Councilmember Buehler moved to approve the regular meeting minutes of June 7, 2018, as presented. Councilmember Pawlowski seconded the motion. The motion was approved, with Councilmember Brungardt abstaining from the vote.

**Audience Participation:** Mayor Smith called for audience participation and a representative from Fire District 1 came forward. The Fire District member Marcus Majure stated that with the approaching retirement of Chief Huhn, the Fire Board has found an Assistant Chief who will then ascend to the position of Fire Chief after Chief Huhn retires later this year. Mr. Majure then introduced the new Assistant Fire Chief, Todd Farley.

**Presentation: Parks & Recreation Advisory Board Presentation** Parks & Recreation Director Jason Crum briefed the Council on a recommendation to eliminate the Commissioner positions on the Advisory Board. A board member suggested everyone's title be a generic Board Member instead of specifics like Cheerleader Commissioner, Football Commissioner, etc. This may encourage better attendance at the meetings and more people interested in being on the board. Concerns were brought up that board members would be less active without a specific title but with a list of expectations per position and a Chairperson delegating, the benefits would outweigh those concerns.

**COUNCIL CONSIDERATION OF AGENDA ITEMS:**

**Library Board Appointment:** Councilmember Brungardt moved to appoint Sharon Mueller to the Lansing Community Library Advisory Board to fill an unexpired term ending April 30, 2022. Councilmember Buehler seconded the motion. The motion was unanimously approved.

**Request for More Than 4 Animals – 330 Highland:** Mayor Smith stated the resident at 330 Highland has applied for a special use permit to house more than 4 animals. Animal Control Officer Burr has conducted an inspection and supplied a report.

- Councilmember Pawlowski and Councilmember Buehler asked is the person here.
- Mayor Smith asked the person that applied for it, are they here.
  - Animal Control Officer Wendy Burr replied they don't appear to be.
- Councilmember Buehler asked so this is, they are applying because there was a violation.
  - Animal Control Officer Wendy Burr stated there was an incident that is what brought me to that residence.
    - Councilmember Buehler said ok.
- Animal Control Officer Wendy Burr stated after that is when I conducted the interview for the dog bite. I observed 4 dogs and asked them if they had any cats and they had also 2 cats. I advised them that they needed a special use permit for more than 4 animals and also I took pictures of the residence because I was concerned there was a moderate, you've seen the pictures, I wouldn't say hoarding but the place didn't smell, the animals are well taken care of. I think it's the elder resident grew up in the Depression so it's that mentality. They are just use to the clutter and everything else.
  - Councilmember Buehler asked were all the animals registered.
    - Animal Control Officer Wendy Burr responded at the time, no. They are now. They are all up to date. I went back through the reports for the past 5 years and did come across another dog bite incident from 2016.
      - Councilmember Pawlowski asked same dog, different dog.
        - Animal Control Officer Wendy Burr replied same dog involved. First dog was involved in the second; the dogs got in a fight, she went to break it up and got bit the first time, got bit the second time. And at that time she was told, the dogs weren't registered, she was told to register them but at that time we didn't really enforce that. She has done everything she is supposed to do. I

took the pictures just for future reference if it got kind of way out of hand but the elder, Mrs. Bodde that lives there she is full mental status, I mean she's on it, and that is her comfort zone in that house as far as the clutter and everything. I have been in worse houses that have smelled bad. The animals are well taken care of, they go to the vet. They are up to date on everything and registered.

- Councilmember Garvey asked did you talk to any of the neighbors.
  - Animal Control Officer Wendy Burr responded I got the neighbors to the South. They weren't registered but they've had problems with having child daycare shut down and stuff and they have dogs. So they know of each other, they both say they have more than they are supposed to have.
    - Councilmember Garvey asked but the neighbor doesn't have problems with her dogs and cats.
      - Animal Control Officer Wendy Burr replied you know they all tattle on each other once they get caught. I sent letters to the other two houses that they can't even see this back yard. The backyard is clean, she just had trees taken out of it.
        - Councilmember Pawlowski stated there is a big pile of wood.
          - Councilmember Garvey replied logs.
            - Animal Control Officer Wendy Burr replied yes she just had a bunch of large trees cut down, just as I was doing the inspection over there but when I found the second dog bite I knew that would definitely be a red flag. And they are down one cat because one cat came in from being outside and threw up and then they found it had passed under the bed. They think it may have gotten into some poison somebody put out for squirrels or something. So they have 5 animals at the moment, 4 dogs and a cat. And they were notified on the day of the inspection, I told the elder Ms. Bodde and also sent an email to her daughter who basically runs the house, telling her, reminding her when it was. And they were both going to be here but apparently they're not.
  - Councilmember Pawlowski stated the collecting seems to have spilled out of the house and into the front yard.
    - Animal Control Officer Wendy Burr stated there's a lot of trash in the front.
      - Councilmember Pawlowski replied the neighbors had that issue too I noticed when I went by there today.
  - Mayor Smith asked any other questions on this one.
  - Councilmember Pawlowski asked if we make a motion that they can have this 5<sup>th</sup> animal, they won't be getting more.
    - Animal Control Officer Wendy Burr stated no I will make it adamant that, they've taken ones the grandkids that they come across.
      - Councilmember Pawlowski stated I know how it goes.
        - Animal Control Officer Wendy Burr stated the elder Ms. Bodde has the 2 doxies. Those are her dogs and the other 2 dogs basically belong to her adult daughter and then the cat, well the one cat now so she's just over by one now.
  - Councilmember Pawlowski asked what do you guys want to do.
  - Mayor Smith stated I need a motion to approve or deny special use permit for 330 Highland.

Councilmember Buehler moved to approve the special use permit for 330 Highland Road. Councilmember Trinkle seconded the motion.

- Councilmember Pawlowski stated she knows, they do anything again, they can have their permission pulled, right.
  - Animal Control Officer Wendy Burr replied oh yeah, they know they have to get it renewed every year.

The motion was approved, with Councilmembers McNeill, Brungardt and Studnicka voting against the motion.

Mayor Smith stated Jeff, I think Andi had a question for you. Andi, is that right.

- Councilmember Pawlowski asked can you talk about what is going on, on Cottonwood.
  - Public Works Director Jeff Rupp stated unfortunately, we had a mishap this morning. We've got a subcontractor that has been on our overlay project for prior years but for some reason they didn't notify the city that they were getting ready to work today. They also didn't follow the contract or the preconstruction instructions about a 24 hour notice to some of the residents before they started work.

They actually gave them a one hour notice and posted their houses. So that was the main issue today. The city expressed the displeasure of the way they conducted themselves to the private contractor and we have instructed them to reissue an information bulletin and flyer that was sent out because it additionally caused problems because it wasn't accurate. It had information that said everybody's driveways was going to get affected and enclosed and cause people to get out of their drives with a one hour notice this morning so there was some upset residents. Now some of them it did apply to but still they didn't get a 24 hour notice. So that was one issue. Additional issue that was raised actually kind of was the own residents fault, is that some people didn't have or hadn't applied to the city for a special permit that's required for sprinkler systems to be within the right of way. And so, some of the work that was actually done today, tore out some of those sprinkler systems. And of course, we fielded several phone calls about those issues and had some discussions about the policy. In those that actually do take out the special permit that's required, it says in two places on the permit that if the city does work or any other utility for that matter in our right of way and tears out the sprinkler system, it's on them to fix it. It's their responsibility but those were issues we faced today. We're trying to correct it with some correct information on the new flyer so that I think that the people will have a better handle on whether their driveway is going to get torn out or, they're going to have to get out or, if their driveway was going to be blocked. We're still trying to fix that situation but I'm not sure why it happened because this subcontractor has worked with us before and had the same information in years past. It was just a fluke deal. We're going to try and fix it.

- Mayor Smith replied with ok. I was getting ready to ask.
- Councilmember Pawlowski asked you've had discussions with the guy with the sprinkler system.
  - Public Works Director Jeff Rupp replied we've had a couple discussions with a couple different people.
    - City Administrator Tim Vandall stated Mr. White was the one we spoke with. I'm not sure who else has called.
    - Councilmember Pawlowski asked is that handled or do I need to call them.
      - City Administrator Tim Vandall replied I forget who it was you had spoken to but I mean the gentleman we spoke with didn't have a permit for the work that was done and like Jeff said you can do that and we can give you a permit for it but it says on there if it gets clipped during snow removal or we are repairing the road.
        - Councilmember Pawlowski stated the same person that put in my sprinkler system put in his but his has been in there a lot longer and they put it in a different place. So, I think maybe over the years the issues have generated movement.
          - City Administrator Tim Vandall stated if you want to get the information of the person, I think I remember the last name you had given me, but if you want to give us his phone number or something we can contact him and get back to him.
          - Councilmember Pawlowski stated the one I got said they couldn't drive in their driveway but they said they are not replacing the concrete in front of my driveway so why can't I drive on it. I'm like I don't know, I'll ask.
            - Public Works Director Jeff Rupp replied that is the flyer that didn't apply to any of them so I can understand why they'd be upset or not understand, because it's wrong.
            - Councilmember Pawlowski replied ok.
  - Mayor Smith replied thank you Jeff.
  - Councilmember Pawlowski replied thanks Jeff.

**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 30 beginning at 7:21 PM and returning to the Council Chambers at 7:51 PM. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Councilmember Pawlowski moved to return to Open Session at 7:51 PM. Councilmember Studnicka seconded the motion. The motion was unanimously approved.

Councilmember Buehler moved to allow the Mayor, City Administrator, and the City Attorney to continue to draft the legal documents in regard with the interlocal agreement with Fire District No. 1. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

**REPORTS:**

**Department Heads:** City Clerk Sarah Bodensteiner briefed the Council on the current Commercial Liability Insurance with OneBeacon and advised that she's received a couple inquiries from other companies wanting to quote to provide our services. The City currently uses a brokerage firm who shops the rates each year, and one of the entities asking to quote is an individual firm, so they may not be able to shop around like a brokerage can. The Council agreed that it couldn't hurt to get quotes from those companies prior to renewal in February.

**City Attorney:** City Attorney had nothing to report

**City Engineer:** City Engineer had nothing to report

**City Administrator:** City Administrator had nothing to report

**Governing Body:** Councilmember Pawlowski inquired how Gene was doing. Councilmember Pawlowski noted the informational pocket card for the City of Lansing and the Valuation for this year is \$80 million and the City's Share of a \$100,000 home rate is \$477.

Councilmember Buehler thanked Mrs. Mueller and stated we can't do this without volunteers and we appreciate your help. He also provided a fun fact, on this day in 1788, the U.S. Constitution was ratified.

**ADJOURNMENT:** Councilmember Brungardt moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:57 p.m.

**ATTEST:**

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Michael W. Smith, Mayor

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Sarah Bodensteiner, City Clerk