



CITY OF LANSING
Council Chambers
800 1st Terrace
Lansing, KS 66043

COUNCIL AGENDA
Regular Meeting
Thursday, October 19, 2017
7:00 P.M.

WELCOME TO YOUR CITY COUNCIL MEETING

Regular meetings are held on the first and third Thursday of each month at 7 pm and are televised on Cable Television Channel 2 on Monday 7 pm, Tuesday 10 am & 7 pm, Friday 5 pm, Saturday 1 pm and Sunday 7 pm.

Any person wishing to address the City Council, simply proceed to the microphone in front of the dais after the agenda item has been introduced and wait to be recognized by the Mayor. When called upon, please begin by stating your name and address. A time designated "Audience Participation" is listed on the agenda for any matter that does not appear on this agenda. The mayor will call for audience participation. Please be aware that the city council and staff may not have had advance notice of your topic and that the city council may not be able to provide a decision at the meeting. If you require any special assistance, please notify the city clerk prior to the meeting.

Call To Order

Pledge of Allegiance

Roll Call

OLD BUSINESS:

1. Approval of Minutes

NEW BUSINESS:

Audience Participation

Presentations:

2. Domestic Violence Awareness Month Proclamation
3. Military Retiree Appreciation Day Proclamation

Council Consideration of Agenda Items:

4. Treasurer's Report for Quarter Ending September 30, 2017
5. Ordinance No. 990 – Condemnation for DeSoto Road Project
6. McIntyre Road Add Alternates
7. Executive Session – Economic Development

Reports:

Department Heads, City Attorney; City Engineer; City Administrator; Councilmembers

Proclamations

Other Items of Interest:

8. Department Vehicle and Equipment Mileage Reports

Adjournment

AGENDA ITEM

TO: Tim Vandall, City Administrator
FROM: Sarah Bodensteiner, City Clerk
DATE: October 12, 2017
SUBJECT: Approval of Minutes

The regular meeting minutes for October 5, 2017, are enclosed for your review.

Action: Staff recommends a motion to approve the regular meeting minutes for October 5, 2017, as presented.

AGENDA ITEM #

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
Ward 4: Tony McNeill and Gregg Buehler

Councilmembers Absent: Kerry Brungardt

OLD BUSINESS:

Approval of Minutes: Councilmember Studnicka moved to approve the regular meeting minutes of September 21, 2017, as presented. Councilmember Buehler seconded the motion. The motion was unanimously approved.

Audience Participation: Mayor Smith called for audience participation and there was none.

Presentation

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Lansing Community Library Advisory Board Appointments: Councilmember Studnicka moved to appoint Karen Miller, Earnest Young, Jr., and Wendy Vodarick to the Lansing Community Library Advisory Board to fill the positions with terms ending April 30, 2021. Councilmember Buehler seconded the motion.

- Councilmember Pawlowski stated 2021 sounds like such a long time.
 - Mayor Smith replied it does doesn't it.

The motion was unanimously approved.

Sidewalk Fee Waiver Request – 1009/1007 North 4th Street: Councilmember Trinkle moved to approve the waiver for the collection of sidewalk fees on lots 1009 and 1007 North 4th Street. Councilmember Garvey seconded the motion. The motion was approved, with Councilmember McNeill voting against the motion.

Conditional Use Permit – 1104 Industrial Street: Councilmember McNeill moved to approve the Conditional Use Permit for 1104 Industrial Street. Councilmember Studnicka seconded the motion.

- Councilmember Pawlowski stated I have a statement, there have been concerns, might be the right word. I had a constituent that called me a couple years ago, I don't remember if we had Tim, but it's been several years ago, but the bus barn that's right next to the daycare and there was a big concern because they'd turn the buses and on and leave them on and the kids were outside playing. So I had just wanted to say that there had been a complaint, but I don't know if we can do anything about that.
 - Councilmember McNeill stated they don't just let them run around out front.
 - City Inspector Rebecca Savidge replied they are fenced by a six foot fence.
 - Councilmember Pawlowski stated yeah they are inside and run around in the play area with the fence, but the fumes from the buses.
 - Councilmember Kirby stated it's all right there together.
 - Councilmember Garvey stated if you look at page twenty-eight the pictures show the buses backed up against the fence.
 - Councilmember Pawlowski stated so that was just a concern of one of the parents that has kids at the daycare. I was kind of hoping that Debbie was going to be here but then I remembered that she told us that she wasn't going to be. It's not going to change my vote, but I just think she needs to know.
- Mayor Smith asked Becky can you sit down and have a conversation with her on concerns of the Council.
 - Councilmember Kirby stated that's not a conversation to have with Debbie, isn't that a conversation to have with the bus people.
 - Councilmember Studnicka stated school district.
 - Councilmember Pawlowski stated she's also on the school board, kind of a dual, get them both at the same time.
 - City Inspector Rebecca Savidge replied I can touch base with her.

The motion was unanimously approved.

Conditional Use Permit – Lansing Correctional Facility Solid Waste Landfill: Councilmember Kirby moved to approve the Conditional Use Permit for the Lansing Correctional Facility solid waste landfill, subject to the conditions outlined by the Lansing Planning Commission. Councilmember Buehler seconded the motion.

- Councilmember Pawlowski asked the prison doesn't have any problems with all these conditions.
 - Community & Economic Development Director Stefanie Leif replied I don't think there is anyone from LCF here this evening, but they were sent the conditions and they were present at the planning commission meeting, and they all seemed to be acceptable as far as I know from their representative.
- Councilmember Studnicka stated I have a couple of questions, the first one being are they going to salvage the buildings at all, like salvage the copper out of them, the glass, or whatever else. I read in the packet here that that's what is going to go into the landfill and the State is so damn broke, copper is worth something out there as precious metals.
 - Community & Economic Development Director Stefanie Leif stated that's a good question, I would believe that most likely the contract that gets the bid would most likely do some degree of that to keep some of it out of landfill, anything that could be salvaged, but I can't speak to that directly.
- Councilmember Studnicka stated my second concern is the environmental impact, it's in the watershed and it's downstream towards Nine Mile Creek, even if they put just concrete, wood, and all that stuff in there, all that material, rust and whatever is going to be in the watershed, and I can't see poisoning our water system so close to the watershed. And along with that, the toxic materials, like those buildings are old, if there is asbestos in there and others like that, who's going to inspect that before they actually start rubbleing that and pushing it into the hole? I can't dig a hole in my backyard and rubble my garden shed and cover it up, so why especially in the watershed, I can't see that at all.
- Councilmember Kirby stated I don't know, Brian I don't know but I don't think it got specific like that, I know they told us there was no asbestos.
 - Planning Commission Chairperson Brian Schwanz replied correct, they told us the buildings they are demolishing I think they said they were built in '85 and newer, the older ones are not being demolished.
- Councilmember Kirby stated the State should have been here since this is their request.
- City Attorney Gregory Robinson stated I thought they stated in the meeting that they had some type of punch list or something, I can't remember the term, but it was something that had already been stamped.
 - Planning Commission Chairperson Brian Schwanz replied right, that there was no asbestos in the parts they are taking down.
 - Councilmember Kirby stated that's asbestos, but as far as your other stuff Don, I don't know.
- Councilmember Studnicka stated well I've got two other questions to go along with this, my other question is it's going to take them three years to take down eight small buildings, that kind of seems like an awful long time, so that leads me to believe that they might want to put something else in there. Two, my second question is we've never in my history with the City, been able to tell the State anything. When our fire house was built down there for Fire District No. 1, our City Inspectors couldn't inspect the buildings because it was state property and they did what they wanted to do on there. Now all of a sudden the State is coming to us asking our permission to do something on their property, I don't understand this, can you clear up my confusion?
 - City Attorney Gregory Robinson replied Mr. Studnicka it is because this is a special statute, this is what authorizes. They must come to us, well you, for this decision and unfortunately, we had this discussion at the meeting, is that the things that the Planning Commission would want and the questions that you have, really are not put forward at this point, because that plan and all the things and questions that you have are not formulated yet but it's anticipated, and it's kind of one of these, you kind of have to trust the next level, is that their actual oversight is the Kansas Department of Health and Environment, and I think Matt was there and he spoke to that as well in reference to concerns you had about whether it's rubble that is going to go in it. I had asked the question whether there was going to be rock crushers, they could re-use much of that as aggregate back in their concrete. Those types of questions haven't been answered yet and then the gentleman that did appear was not part of the contract negotiations, or what the bid specifics were so until they open it we won't know what the winning bidder has suggested or formulated to how he's going to do it, so KDHE has to give the final approval and what I think we've been able to accomplish with the Planning Commission is by simply not just saying we approve it, we approve it with conditions which then means only the people that can inspect for those conditional violations is the City, so I think in some respect by doing it the way we are suggesting this happen, now nobody likes necessarily the process because again it's like you have questions and it's not being answered till potentially later, by the time you're making the decision tonight; however by having conditions on it, I would argue based on that that our City, the staff, still gets to remain engaged to make sure that they are not in violation of these conditions because again, even the State recognizes that by coming to us they know they must have our conditional use to go forward, and we are giving that, potentially if you vote that way, tonight to

them however that conditional use can be pulled back only by one entity and that's us. So there is at least an argument there, and I understand that the State is the big brother on the block and I get that, but there's at least a legal argument that we control that conditional use and if they violate it, and we had those discussions about if they try to bring in other rubble, they try to expand or put other buildings in there, that would be a violation, it's only for what they specifically asked for.

- Councilmember McNeill asked how would we inspect it. Who on our staff has landfill experience, as far as I know we don't have one, so we have the County one, but what if we want to figure out environmentally if we're getting runoff into something that's from there, we say we want to inspect for this but that's going to cost us to inspect.
 - Councilmember Pawlowski stated I think KDHE.
 - Community & Economic Development Director Stefanie Leif stated KDHE would do the primary inspections.
 - Councilmember McNeill stated so whatever we want inspection-wise, KDHE is going to do, it's like telling the State hey we want you to inspect A, B C, and D, and they go no, we're going to do A, then what is our recourse, zero.
 - Councilmember Garvey replied then you yank the Conditional Use Permit.
 - City Attorney Gregory Robinson replied if you pull the permit then they are going to be in violation, again this is speculation, that could be a potential for shutting down or stopping the project if they lose the conditional use, because if there are violations. One of things that I think Matt spoke to a little bit was KDHE ultimately is going to have the plan in place that they must follow, so whether it be monitoring wells perhaps in the watershed don't know yet, but that may be something that might be something that would be advisable, but again I'm not an engineer, I don't know the technical name, hydrologist maybe.
 - Councilmember McNeill asked is the intent of this landfill to save them money so they don't have to take away their salvage.
 - Councilmember Garvey stated if they bury it onsite they don't have to haul it to Johnson County landfill, which is going to cost them more money.
 - Councilmember Kirby stated and they're not driving up and down our city roads.
 - City Attorney Gregory Robinson stated and they're still going to make findings.
 - Councilmember McNeill stated this is the same entity that doesn't pay the normal sewer rate and hasn't for forever.
 - City Attorney Gregory Robinson replied I certainly understand that and I can join in with you on the sentiment; however, it's KDHE that's the one who is formulating this plan, not the Department of Corrections, they will be under the auspices of the Department of Health and Environment, not being dictated to by Department of Corrections. That's why Department of Corrections had to come to us because the statute made them come to us, then it will go to Topeka with the Department of Health and Environment, so that will ultimately decide what parameters for this landfill.
 - Councilmember Pawlowski stated this is just step one.
 - City Attorney Gregory Robinson replied yes and unfortunately the optics of it is that we put the cart before the horse because we're giving approval before we have the knowledge of a plan.
 - City Administrator Tim Vandall stated but KDHE won't sign off on it until we agree that this is allowed on the property.
 - Councilmember Pawlowski stated my question is a long time ago Greenamyre came to us and wanted to do a construction landfill on their property, did we ever inspect that.
 - City Inspector Rebecca Savidge replied we did, I did. I was out there daily, I had a key that I used to access.
 - Councilmember Pawlowski asked did you do water or hydrology checks or whatever they are asking about.
 - City Inspector Rebecca Savidge replied KDHE did and they supplied those reports to us and that's why I think it's a good thing with KDHE because they are there with me and they are doing those reports and it has to follow their plan. I was kind of like the local person when they didn't have somebody here, type of thing. It was out off of Gilman Road.
 - Councilmember Trinkle stated out past the child thing. Now that's in the past, what if we have an individual who wants to come to the City?

- Councilmember Pawlowski asked is it still there.
 - City Inspector Rebecca Savidge stated it's closed, it's in its resting period right now.
- Councilmember Trinkle asked what if they have somebody now that wants to come and raise a building and bury it on their own property.
 - City Administrator Tim Vandall replied this is only a conditional use allowed in an agricultural zone, so unless it's an Ag zone someone can't do it. So you wouldn't be able to do it in your backyard.
 - City Attorney Gregory Robinson stated that is accurate but again remember this is a special statute that allows this to occur. So this isn't any private citizen can't necessarily come in and say hey I want to do this.
 - Councilmember Pawlowski stated they'd just do it.
 - City Attorney Gregory Robinson replied well that might be true too, they could see what they could get away with I guess.
 - City Inspector Rebecca Savidge replied it is against the code, so they'd be in violation.
 - City Attorney Gregory Robinson stated but there again this is a statute that's been established and approved by the legislature at whatever point in time for this particular type of situation. And I know Mr. Garvey you mentioned the landfills, that is part of the process that KDHE itself has to take, those are parameters, their own little checklist and all that; they have some checklists that they have to go through like cost, is the landfill too far away, is there a landfill we can go to, so they have this checklist and things that they have to look at as well. And I would presume, and I don't know this for a fact, but I would presume but based on the way this process is looking like it's supposed to be, there might be public comment, there might be opportunities for this body to see or believe that there should be other things considered, you could pass a resolution to be included in any kind of public comment for their consideration before they make their final decision.
- Councilmember Trinkle stated it looks to me like they'd have to put some kind of well monitoring system in even after it's buried to make sure nothings there.
 - Councilmember Kirby stated that's what we don't know.
 - City Administrator Tim Vandall replied that's a KDHE thing that's not a City thing.
- Councilmember Studnicka replied this isn't the plan that we're voting on.
- City Attorney Gregory Robinson stated again, the optics are bad because it makes it look like you're making a decision without knowing what the plan is, and I understand the angst and anxiety with that, but that's just the way it is.
 - Councilmember Trinkle asked how do we cover ourselves then.
 - City Attorney Gregory Robinson stated I think we have with the Planning Commission approving or suggesting it with conditions. I think that's kind of the velcro to this thing to keep City staff involved, by having conditions that only City staff can inspect.
- Councilmember Pawlowski asked and the Planning Commission approved it unanimously.
 - Planning Commission Chairperson Brian Schwanz replied four to one.
- City Administrator Tim Vandall stated the thing that I would say too and I think Greg alluded to this and maybe it got lost in the discussion, if there is an egregious violation and we're aware of it we can pull the conditional use permit.
 - City Attorney Gregory Robinson replied that's the argument yes, do I see a mechanism under that specific statute for this landfill for that no, but again it's implied that if they need our conditional use permit for this, then we would treat them as we would anybody else that has a conditional use, if they are in violation you can pull it.
- Councilmember Trinkle stated well according to their thing it's in a secured area, how can you get in.
 - City Attorney Gregory Robinson replied that was brought up in the meeting and again if Becky were to talk to the DOC, and again this is your city attorney's argument here this is not saying this is the law, is that if Becky our City representative and inspector was to make reasonable arrangements to inspect what they are doing and they continually refuse her inspections over and over again with reasonable notice, and if there wasn't an emergency over there to keep out, like inmates out or escapee's about or whatever, then this body can say look we're pulling it because you won't let our inspectors in, you're

trying to use some ruse of saying security and won't let her in, so then guess what, we'll pull it. If you're not going to let us inspect we'll pull it.

- Councilmember Garvey stated suppose you issue a conditional use permit, it's a three year job okay, a year and a half down the road you find violations and you want to yank that conditional use permit and they have a year and a half of dumping in that hole, do they dig it out?
 - City Attorney Gregory Robinson replied I would argue based on the way you're saying it, I would probably say no as it depends on what the violations are. And again if it's a dumping issue, then perhaps.
 - City Administrator Tim Vandall stated KDHE could make them do that.
 - City Attorney Gregory Robinson stated it depends on the facts of your situation. Let's say it's a lack of access, they won't let her in and you pull for lack of access. You don't know what is in the hole, maybe it's all one hundred percent good, but at least the argument is is that you can stop them in their tracks at that point.
- Councilmember Kirby stated I think maybe that guy from the prison and I don't know maybe they've talked to the people from the County and they've assured us of something and then they go back to the County and well you know.
- Councilmember McNeill stated you're talking about state entities checking state entities, they have their own statute that they made specifically for this purpose and it's not anywhere else.
 - Councilmember Trinkle stated it's kind of like it rules out an independent inspector.
 - Councilmember McNeill stated when you have a state agency coming in to look at a state piece of property.
 - City Attorney Gregory Robinson stated I don't know that KDHE has any friends.
 - City Administrator Tim Vandall replied I was going to say I think KDHE has fined them before for their water treatment plant and that's why they have to buy water from City of Leavenworth now, because they shut down their water treatment plant, so I think KDHE is pretty good about being unbiased about that.
- Councilmember Kirby asked Matt at that meeting, at the Planning Commission meeting they talked to you about KDHE and you had mentioned about as far as you were concerned KDHE played it by the book, as far as inspections and that kind of thing.
 - City Engineer Matt Harding replied KDHE will be the leading player in this as far as inspection and design. The Department of Corrections will give a design and KDHE will go through it and use their specifications to review to the plans and either bless it or not bless it. And then those plans will come to us, I assume for our blessing as well, but we really don't have anything in our specifications for landfills.
 - Councilmember Kirby stated but my point is, your experience with KDHE when they inspect something and it's wrong, there is not monkey business, right.
 - City Engineer Matt Harding replied yeah, I understand what you're saying and we have some concerns, but no there shouldn't be a whole lot of collusion between this hand and this hand. I do want to say one thing about the asbestos, they didn't say there was no asbestos, they said there was no friable asbestos. Friable as a term means it can be multiplied where it can go up in the air. Right now it's all encapsulated and asbestos is not a concern as long as you don't breathe it. If you eat it, it's not really a big deal, you don't want to eat asbestos, but if it gets to your lungs that's what causes the problems. But right now they don't have any friable asbestos.
 - Councilmember Pawlowski stated that's probably in floor tiles or something like that.
 - City Engineer Matt Harding replied could be, but KDHE has mechanisms and it's a whole list of rules.
 - Councilmember Garvey stated at Deffenbaugh landfill when they hauled in an asbestos load they were informed of it, they dig a hole immediately dump the asbestos load into it and cover it up immediately so the dust cannot get out.
 - City Engineer Matt Harding stated and I will say we had one more demolition landfill and Becky had a key so only certain people could come in and come out, and now this is on a prison only so certain people will be able to get there and access this, so you know you will not be able to take your solid waste and just dump it there. And I will say that we did find material in the old landfill that was not suitable and didn't meet

the criteria for our permit and that was dealt with and that practice was discontinued, so our inspection did pay off and we found some things in the old one. If you have any more questions, I can't answer if there will be well monitoring, I assume there will be, or anything leaching out any of the buried material that would leach out into Nine Mile Creek which is fifty feet away or one hundred feet away. So I assume they will deal with that in their regulations.

- Community & Economic Development Director Stefanie Leif stated I do want to bring up that Neil Bostraan with Lansing Correctional Facility did come in, so if there are any questions you did have of LCF he is here and can answer those.
- Councilmember Kirby stated he was here the other night and I thank you for coming but there were questions being asked the other day and no disrespect to you, that you weren't prepared to answer, the plans weren't nothing.
 - Chief Maintenance Operator of Lansing Correctional Facility Neil Bostraan stated I still don't have any engineered plans.
 - Councilmember Kirby stated there you go, and sorry, but in my opinion you wasted your time.
 - Chief Maintenance Operator of Lansing Correctional Facility Neil Bostraan replied that's all right.
- City Attorney Gregory Robinson asked did the bids get opened yet because I couldn't remember when you mentioned when they were to be opened.
 - Chief Maintenance Operator of Lansing Correctional Facility Neil Bostraan replied the bids were received up in Topeka for the new facility. Due to the method of contracting that they are using on this it's still being reviewed. They are not doing a simple low bid award of contract, it's more of a negotiated process and so with that they haven't awarded the bid to any vendor yet they are still in the negotiations and speaking with all the bidders to see what's going to give us the best value.
 - City Attorney Gregory Robinson stated I'm not familiar with this negotiated process you're talking about; it's not a low bid, it's negotiated. Does this Council have the ability if they have anything that they would like to be considered in that negotiated contract, is there a mechanism in place so that they can put their concerns to the State during this negotiated process, so that they can get their concerns addressed? For example, I think I asked you at the Planning Commission meeting, are they going to grind up the rubble and re-use it as aggregate in concrete, that maybe something that obviously reduces the volume of what needs to go into the hole and that maybe something they as the elected body may want to consider, I don't know, but is there a mechanism where they can do that?
 - Chief Maintenance Operator of Lansing Correctional Facility Neil Bostraan replied not that I am aware of. Certainly if the Council wanted to throw in some opinions, I'm sure they'd be submitted for what's is worth.
- Councilmember Pawlowski stated there is some concern up here about the watershed.
 - Chief Maintenance Operator of Lansing Correctional Facility Neil Bostraan responded the limits on our proposed landfill is about two hundred feet from, the closest is should get is about two hundred feet from the Nine Mile Creek down there, and one of the things we'll likely have to do is put up some silt barriers and that black fabric fencing, also some hay bales to reinforce that and ensure that it won't silt into the Nine Mile Creek and keep any wandering debris out of it.
- Councilmember Trinkle stated it was brought up by my cohort here that it is a three year, that they want three years, is it going to take three years to do this. What are they going to do, tear one down build it, tear another down and build it? Are they just going to go in and clear it and build it? Why the three years, do you have any idea why it's a three year deal?
 - Chief Maintenance Operator of Lansing Correctional Facility Neil Bostraan replied what they'll do is they will for the most part the demolition will take place up front and that will be ninety percent of what goes into there and after that you always have waste material from the construction sites, spill from the concrete trucks, a block that is bad which will also likely go into that landfill.

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

Resolution No. B-6-17 – Condemnation for DeSoto Road Land Acquisition: Councilmember Buehler moved to approve Resolution No. B-6-17. Councilmember Studnicka seconded the motion. The motion was unanimously approved.

REPORTS:

Department Heads: Police Chief Steve Wayman announced that he will be having a Police Patch Design Contest, in hopes of updating and refreshing the Police Departments shoulder arm patch with the assistance of the community. The contest was announced on the Police Department's Facebook page, and entries are being taken until January 2018.

City Attorney: City Attorney had nothing to report.

City Engineer: City Engineer had nothing to report.

City Administrator: City Administrator Tim Vandall mentioned that if anyone is interested in attending the regional supper in Lawrence, they need to let Sarah or himself know so we can RSVP. He advised that the DeSoto Road project is humming along and more progress has been made with land acquisition and that utility relocation is taking place currently; however the costs for the utility relocation are more than anticipated and will probably be taken from Debt Service due to its cost. Tim touched on the waterline construction at Bernard Park, that it is taking place and should be completed shortly, so you might see some equipment out there. Tim advised that bids for the McIntyre Road project came in 1.8 million dollars under the Engineer's Estimate. The add alternates the City requested were the two inches of asphalt came in at around seventy-six thousand dollars and the sewer sleeve came in at about forty-five thousand dollars. The City has thirty days to decide how they want to proceed with those items.

- Councilmember McNeill asked do you mean if we want to pay for it. They saved like 1.2 million and they want us to pay for the adds?
- Councilmember Pawlowski stated I think I'd like to make a motion to ask them to pay for both of those.
 - City Administrator Tim Vandall asked you want to do that tonight, I wasn't sure.
 - Councilmember Pawlowski replied now.
 - Councilmember Trinkle stated it isn't going to do any good.
- Mayor Smith asked Tim have we talked to them, have we talked to the County yet.
 - City Administrator Tim Vandall stated I haven't brought it up.
- Councilmember Pawlowski stated for you guys to know this, two weeks ago I was at the County Commission meeting and it was when Janette was making a presentation to increase the size of the County Commission, she wanted them to make it bigger because they can do that, they can put it on the ballot. And I stood up to help reinforce her request and the three commissioners, well two of them, one didn't say anything, the two commissioners that talked actually said well we're building that road to your code, and I looked at Tim, and I said no you're not and they said yeah we agreed to build it to your specifications.
 - Councilmember Buehler asked is that in the minutes.
 - Councilmember Pawlowski replied yeah it's on tape.
 - City Administrator Tim Vandall stated it's a recorded meeting.
 - City Attorney Gregory Robinson stated it should be on YouTube.
 - Councilmember Pawlowski stated so I'm saying go for it guys, let's ask them for it.
 - Councilmember Kirby stated I've got no problem with it.
 - Councilmember Pawlowski asked so do you want a motion.
 - City Administrator Tim Vandall replied I just wasn't sure if it made a difference the makeup of the commission.
 - Councilmember Pawlowski stated well both of those guys who are still there think they are doing it to our code and they're not.
 - Councilmember McNeill stated yeah they're not, that's not going to change anything, but the fact that we asked for some adds that what, total like a hundred thousand dollars and they saved 1.2 million dollars on the project, and they want us to pay for it? No.
 - Councilmember Pawlowski asked shouldn't we ask for it.
 - Councilmember McNeill replied yes we should ask for it.

Councilmember Pawlowski moved to request the Leavenworth County Commission to approve paying for both add alternates, the 2 inches of additional asphalt and the sewer sleeve, the City of Lansing had requested for the McIntyre Road Project. Councilmember Kirby seconded the motion. The motion was unanimously approved.

Governing Body: Mayor Smith stated that the October Work Session will include a discussion on the residency requirement for department directors.

Councilmember Garvey stated he enjoyed the volunteer recognition dinner and thanked the volunteers for all they do for the City.

Councilmember Buehler enjoyed the dinner as well and thanked the volunteers for their time and talents, as the City cannot do it with them. He also provided a fun fact, on this day in history, President Harry S. Truman gave the first televised White House Address in 1947.

Councilmember McNeill explained why he voted 'no' on the sidewalk fee waiver. He explained that as people in the older part of town start to move out of those homes and younger families with children move in, they will want

improvements and sidewalks, and he feels that we should be collecting those fees in order to make those things happen in that part of town. Because there isn't a medium income housing market in our town, he would like to see a plan developed to make the addition of sidewalks in the older part of town a reality, and stop waiving the fee just because there aren't any sidewalks in there now.

Councilmember Trinkle agreed with the sentiments of Councilmember McNeill, but stated that the cost of sidewalks in the older part town are what keeps the people who live there now from wanting them. He agrees that the City should develop a plan to get them there, but the cost is what residents have said they don't want to be taxed for. He also thanked the newly appointed Library Board members for their service and thanked Public Works Director Jeff Rupp for helping with issues in Ward 1.



ADJOURNMENT: Councilmember Trinkle moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:41 p.m.

ATTEST:

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Terri Wojtalewicz, Library Director 
DATE: October 16, 2017
SUBJECT: Domestic Violence Awareness Month Proclamation

A proclamation to name the month of October as Domestic Violence Awareness Month and urge the citizens of Lansing to work together to eliminate domestic violence from our community.

Policy Consideration:

Financial Consideration:

Action: Elizabeth Clinger, Girl Scout Gold Award Candidate, and Jessica Forbes, Executive Director of the Alliance Against Family Violence, will be present to receive the proclamation.



Proclamation

***Whereas:** The City of Lansing is committed to prevention of domestic violence; and*

***Whereas:** Domestic violence is defined to include all forms of violent behavior between people who live together; and*

***Whereas:** Domestic violence is a problem of large scope throughout the United States; and*

***Whereas:** All citizens of the United States have the right to live without fear of abuse within their homes; and*

***Whereas:** Victims of domestic violence have the right to protection, advocacy, safety, and just treatment; and*

***Whereas:** The City of Lansing wishes to recognize and support the efforts made by the community in attempting to understand the causes and find cures for domestic violence, with the hope that all families will live in an environment free from violence.*

***Now, Therefore:** I, Michael W. Smith, Mayor of the City of Lansing, State of Kansas, do hereby proclaim the month of October, 2017 as:*

"Domestic Violence Awareness Month"

And hereby urge all citizens of the City of Lansing to join with Alliance Against Family Violence and other concerned groups in observing this important month.



In witness thereof, I have hereunto set my hand and caused the great seal of the City of Lansing to be affixed this 19th day of October, in the Year of Two Thousand and Seventeen.

City of Lansing

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Sarah Bodensteiner, City Clerk 
DATE: October 12, 2017
SUBJECT: Military Retiree Appreciation Day Proclamation

A proclamation in recognition of Military Retiree Appreciation Day, October 28, 2017.

Norm Greczyn will be present to receive the proclamation.

Action:

No action required.

AGENDA ITEM #

3



Proclamation

Whereas: Military retirees have served our country faithfully in times of peace and war; and

Whereas: Military retirees have made significant sacrifices in defense of our freedom and liberty; and

Whereas: A large number of military retirees and their families live, work and play in the Lansing community; and

Whereas: The Fort Leavenworth Garrison will conduct a Retiree Appreciation Day on October 28, 2017,

Now, Therefore: I, Michael W. Smith, Mayor of the City of Lansing, State of Kansas, do hereby join the Fort Leavenworth Garrison in recognizing the contributions, sacrifices, and loyalty of military retirees in our community by designating October 28, 2017 as

"Military Retiree Appreciation Day"



In witness thereof, I have hereunto set my hand and caused the great seal of the City of Lansing to be affixed this 19th day of October, in the Year of Two Thousand and Seventeen.

City of Lansing

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Elizabeth Sanford, Director of Finance 
DATE: October 13, 2017
SUBJECT: Treasurer's Report for Quarter Ending September 30, 2017

Please find the Treasurer's Report for the third quarter (July through September 30, 2017) attached for your review. This report is published quarterly in accordance with KSA 12-1608, 12-1609.

Action:

Staff recommends a motion to approve the Treasurer's Report for the quarter ending September 30, 2017 as presented.

AGENDA ITEM #


4

CITY OF LANSING
TREASURER'S REPORT - QUARTER ENDING SEPTEMBER 30, 2017

Fund Name	Fund Number	Unencumbered Cash Balance 6/30/17 DR / (CR)	Receipts	Disbursements	Unencumbered Fund Balance 9/30/17 DR / (CR)	Add Reserves, Account Payable, and Encumbrances	Subtract Receivables, Other Assets, and Net Fixed Assets	Treasurer's Cash Balance 9/30/17
General:	10	2,512,054.05	969,163.39	1,279,285.88	2,201,931.56	122,337.52	15,510.74	2,308,758.35
Special Revenue:								
Library	20	177,406.17	12,508.46	64,755.33	125,159.30	4,177.97	0.00	129,337.27
Consolidated Street & Highway	22	461,861.68	121,715.92	144,213.05	439,364.55	3,717.80	0.00	443,082.36
Special Parks & Recreation	23	322,777.05	28,244.56	55,381.35	295,640.26	0.00	0.00	295,640.26
Special Alcoholic Liquor	24	30,101.03	2,915.86	0.00	33,016.89	0.00	0.00	33,016.89
KS Regional Prisons Museum	62	137,289.40	240.77	0.00	137,530.17	0.00	0.00	137,530.17
Hillbrook Subdivision Escrow	66	20,000.00	0.00	0.00	0.00	20,103.46	0.00	20,103.46
Agency:								
Bonds Posted	41	0.00	0.00	0.00	0.00	7,327.36	0.00	7,327.36
Park Land Trust	59	35,200.00	0.00	0.00	35,200.00	0.00	0.00	35,200.00
Mayor's Christmas	61	10,710.13	119.00	0.00	10,829.13	0.00	0.00	10,829.13
Transient Guest Tax	63	54,955.69	29,678.66	22,628.65	62,005.70	0.00	0.00	62,005.70
Facilities Renovation	73	0.00	0.00	0.00	0.00	85,206.27	0.00	85,206.27
Debt Service:								
Bond & Interest	40	2,346,204.11	624,283.27	2,488,755.96	481,731.42	0.00	0.00	481,731.42
Enterprise:								
Wastewater Utility	50	15,028,662.32	744,202.74	684,736.21	15,088,128.85	295,248.54	13,457,642.67	1,925,734.71
Solid Waste Utility	51	619,778.87	157,134.58	154,016.55	622,896.90	3.48	307,790.96	315,109.42
Investment Fixed Assets	90	3,992,316.82	0.00	0.00	3,992,316.82	0.00	3,992,316.82	0.00
Capital Projects:								
Capital Projects Fund	70	707,823.47	208,459.05	405,402.24	510,880.28	0.00	0.00	510,880.28
Equipment Reserve Fund	80	146,770.90	(57,005.73)	(113,976.00)	203,741.17	0.00	0.00	203,741.17
Police Equipment Reserve Fund	45	36,080.06	3,604.00	0.00	39,684.06	0.00	0.00	39,684.06
147th St./9B Interceptor Fund	79	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7 Mile Creek Project Fund	82	116,503.05	0.00	116,503.05	(0.00)	0.00	0.00	(0.00)
9 Mile Creek Project Fund	83	860,788.36	702.69	327,462.23	534,028.82	0.00	0.00	534,028.82
Total All Funds		27,617,283.16	2,845,967.22	5,629,164.50	24,814,085.88	538,122.40	17,773,261.19	7,578,947.10

STATEMENT OF BOND INDEBTEDNESS				
Bonds	General Obligation		Waste Water Revenue	Total
	Improvement	Revolving Loans		
Outstanding as of 7/1/17	\$ 25,130,000	\$ -	\$ -	\$ 25,130,000
Retired	-	-	-	-
Issued	-	-	-	-
Refunded	(2,150,000)	-	-	(2,150,000)
Outstanding as of 9/30/17	\$ 22,980,000	\$ -	\$ -	\$ 22,980,000
Temporary Notes	\$ -	\$ -	\$ -	\$ -
Total Outstanding 9/30/17				\$ 22,980,000

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Sarah Bodensteiner, City Clerk
DATE: October 16, 2017
SUBJECT: Ordinance No. 990 – Condemnation DeSoto Road

This ordinance authorizes the acquisition of land necessary for the project. The City has received communication from the property owner that they intend to execute the paperwork, but no paperwork has been received to date.

Financial Consideration: All properties needed for acquisition were appraised by a certified appraiser and then review-appraised by a separate appraiser.

Policy Consideration: Land acquisition needs to be completed in order to proceed with construction of the DeSoto Road project. If there are properties that have not been purchased, the City can still proceed if the condemnation process has started on the outstanding properties.

Action: Staff recommends a motion to adopt Ordinance No. 990.

ORDINANCE NO. 990

AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN LAND NECESSARY FOR THE CONSTRUCTION OF A PUBLIC STREET AND ASSOCIATED DRAINAGE IMPROVEMENTS, LOCATED WITHIN THE CITY OF LANSING, KANSAS, ALL BY THE POWER OF EMINENT DOMAIN.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LANSING, KANSAS:

Section 1. The Governing Body of the City of Lansing, Kansas has previously adopted Resolution No. B-6-17 declaring it necessary to acquire certain interests in property for the construction of Desoto Road, a public street, along with associated drainage improvements, within the City of Lansing, Kansas, pursuant to K.S.A. 26-201. Said resolution authorized a survey and description of the land, proposed to be condemned, to be made and filed with the City Clerk, and further authorized said resolution to be published once in the official City newspaper. Said publication, survey and filing have now been completed.

Section 2. a. Whenever the term “permanent right of way easement” is used herein, it shall mean a grant of easement, in perpetuity, for the purpose of constructing, maintaining, repairing, inspecting, operating and using streets, sidewalks, utilities and drainage improvements, and said easement shall be for the benefit of the public and shall include the right of vehicular and pedestrian travel by the general public; and,

b. Whenever the term “temporary easement” is used herein, it shall mean a temporary grant of easement for a period commencing on January 1, 2018, or the date upon which the appraiser’s report is filed in any condemnation action, whichever date is later, and terminating on December 31, 2020, and shall be for the purpose of surveying, excavating, filling, grading, storage of materials and equipment, and all other purposes incidental to the construction of a street, sidewalks, utilities, or drainage improvements on the permanent public right-of-way adjacent thereto, and shall be conditioned upon: (i) the City constructing a driveway that connects the newly improved adjacent street to the remaining property; and, (ii) the City providing access from the public right of way to the remaining property during the construction and providing the temporary surfacing of such access; and (iii) upon the termination of the temporary easement, the City restoring the unimproved portion of the easement to a neat and sightly condition and reseeding the grass; and,

c. Whenever the term “drainage easement” is used herein, it shall mean a permanent grant of easement for the purpose of constructing, reconstructing, maintaining and repairing such structures and improvements that are determined by the City to be necessary to accept the flow of surface water from adjacent property and also from public right of way, and shall also be for the purpose of the flowage of surface water across and upon said easement.

Section 3. That the City shall, by exercise of the power of eminent domain, acquire the interests in land described as follows:

A.

NAME OF PROPERTY OWNERS: Kenneth D. Hundley and Teana E. Hundley, husband and wife.

LEGAL DESCRIPTION OF PROPERTY:

Tract I: A permanent right of way easement over: That part of the Southwest Quarter of Section 13, Township 9 South, Range 22 East of the Sixth Principal Meridian, in Leavenworth County, Kansas described as follows:

Commencing at the Southwest corner of the Northwest Quarter of said Southwest Quarter; thence N 87°15'04" E along the South line of the Northwest Quarter said Southwest Quarter a distance of 50.03 feet to the East right-of-way line extended of Desoto Road; thence N 00°36'49" W along said East right-of-way line extended a distance of 20.01 feet to the Point of Beginning on the North right-of-way line of Kane Drive; thence continuing N 00°36'49" W along said East right-of-way line a distance of 10.01 feet; thence N 87°15'04" E a distance of 77.03 feet; thence S 00°36'49" E a distance of 10.01 feet to the North right-of-way line of said Kane Drive; thence S 87°15'04" W along said North right-of-way line a distance of 77.03 feet to the point of beginning. The above described contains 770 square feet, more or less.

ALSO

Commencing at the Southwest corner of the Northwest Quarter of said Southwest Quarter; thence N 87°15'04" E along the South line of the Northwest Quarter said Southwest Quarter a distance of 50.03 feet to the East right-of-way line extended of Desoto Road; thence N 00°36'49" W along said East right-of-way line a distance of 228.59 feet to the Point of Beginning; thence N 11°55'25" W along said East right-of-way line a distance of 67.22 feet to the North line of a tract described in Book 984, Page 1128 recorded in the Office of the Register of Deeds in said County; thence N 87°15'15" E along said North line a distance of 13.19 feet; thence S 00°36'49" E a distance of 66.41 feet to the point of beginning. The above described contains 438 square feet, more or less.

Tract II: A drainage easement over: That part of the Southwest Quarter of Section 13, Township 9 South, Range 22 East of the Sixth Principal Meridian, in Leavenworth County, Kansas described as follows:

Commencing at the Southwest corner of the Northwest Quarter of said Southwest Quarter; thence N 87°15'04" E along the South line of the Northwest Quarter said Southwest Quarter a distance of 50.03 feet to the East right-of-way line extended of Desoto Road; thence N 00°36'49" W along said East right-of-way line extended a distance of 30.02 feet to the Point of Beginning; thence N 00°36'49" W along said East right-of-way line a distance of 198.57 feet; thence continuing N 00°36'49" W a distance of 66.41 feet to the North line of a tract described in Book 984, Page 1128 recorded in the Office of the Register of Deeds in said County; thence N 87°15'15" E along said North line a distance of 13.01 feet; Thence S 00°36'49" E a distance of

256.91 feet; thence S 80°55'48" E a distance of 39.37 feet; thence S 87°15'04" W a distance of 51.84 feet to the point of beginning. The above described contains 3601 square feet, more or less.

Section 4. The exercise of the power of eminent domain in relation to the above-described tracts of land shall be accomplished in accordance with K.S.A. 26-501 et. seq., as amended.

Section 5. This ordinance shall take effect and be in force from and after its passage and publication in the official City newspaper.


PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF LANSING, KANSAS, THIS 19th DAY OF October, 2017.

MICHAEL W. SMITH,
Mayor

ATTEST:

SARAH BODENSTEINER, City Clerk

AGENDA ITEM

TO: Mayor; Lansing City Council
FROM: Tim Vandall, City Administrator 
DATE: October 16, 2017
SUBJECT: McIntyre Road-Add Alternates, Sewer Sleeve and 2" Additional Asphalt

Explanation: The City requested Leavenworth County pay the \$76,032 for the additional 2" of asphalt and \$45,450 for a sewer sleeve on McIntyre Road. The request was denied. The City needs to respond to the County by October 26th to let them know of our intentions.



Financial Considerations: The City did not budget for the \$76,032 for the additional 2" of asphalt, and thus, the funds would either come from reserves in the General Fund or Capital Improvement Fund. Conversely, while the City did not budget for the sewer sleeve, funds are available within the Wastewater Fund.

Policy Considerations: The road, as designed, would be an improvement over the existing surface of the road, but would technically not meet our arterial standards. The design engineer is a reputable firm and some components of the road are comparable with other roads being designed within the County right now.

In regards to the sewer sleeve, Director Zell believes the cost is fair and believes in the necessity of the sewer sleeve installation. This will allow further development down the road without tearing up McIntyre Road. Plus, the cost will be less expensive now than it would be in several years since the road will already be under construction.

Action: Staff recommends approval of the sewer sleeve for \$45,450 but not the additional 2" of asphalt.

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Sarah Bodensteiner, City Clerk 
DATE: October 12, 2017
SUBJECT: Executive Session – Economic Development

Executive Session will be called to provide an update on Economic Development activities in reference to confidential data relating to the financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorship.

AGENDA ITEM #

7

Lansing Police Department
Vehicle Fleet End of Month Report

Sep-2017

Unit	Year	Make/Model	Mileage as of 09/01	Mileage as of 10/02	Miles Driven	Current Use	Future Use	Comments
1	2013	Ford Explorer	66067	67174	1107	Patrol	Patrol	Fit for patrol duty
2	2012	Dodge Charger	37899	38295	396	Sergeants	Sergeants	Limited Use - Sergeants
3	2015	Ford Explorer	30238	31551	1313	Patrol	Patrol	Fit for patrol duty
4	2015	Ford Explorer	18405	18405	0	Patrol	Patrol	Down for repairs
5	2012	Dodge Charger	24011	24490	479	Captain	Captain	Fit for patrol duty
6	2013	Ford Explorer	45394	46733	1339	Patrol	Patrol	Fit for patrol duty
7	2011	Dodge Charger	99361	99778	417	Detective	Detective	Limited Use - Detective
8	2011	Dodge Charger	259	259	0	Patrol	Patrol	Awaiting upfit
9	2012	Chevy Tahoe	87242	88916	1674	Patrol	Patrol	Fit for patrol duty
10	2011	Dodge Charger	38253	39146	893	Chief	Chief	Limited Use - Chief
11	2003	Ford F150	76627	76942	315	Animal Control	Animal Control	Fit for Animal Control duties
13	2010	Dodge Charger	101631	101631	0	Special Use	Special Use	Special Use
13a	2017	Dodge Charger	324	1916	1592	Patrol	Patrol	Fit for patrol duty
14	1995	Ford EOC Vehicle	162184	162184	0	EOC	EOC	Limited Use - EOC
15	2016	Dodge Charger	14728	16013	1285	Patrol	Patrol	Fit for patrol duty
17	2016	Dodge Charger	12552	14029	1477	Patrol	Patrol	Fit for patrol duty
				Mileage Total:	12287			

Lansing Public Works Department**Monthly Fleet Report**Month September Year 2017**Vehicles**

Year	Make	Model	Description	Mileage Starting	Mileage Ending	Miles Driven	Comments
2008	Ford	LT	LT. Pick-up Ext	53,449	53,819	370	
2007	Ford	LT	LT. Pick-up Ext	37,532	37,974	442	
1998	Ford	1/2 ton	Pick-up	60,955	61,128	173	
2001	Ford	Ranger	LT. Pick-up Ext	116,088	116,099	11	
2005	Ford	Ranger	LT. Pick-up Ext	39,893	40,006	113	
2000	Ford	Explorer	SUV	185,677	185,854	177	
2005	Sterling	LT 8500	Dump Truck	47,803	47,934	131	
2007	Elgin	Crosswind J+	Street Sweeper	5,545	5,545	0	
1992	Ford	700	Dump Truck	62,887	62,887	0	
2017	Chevrolet	3500	Pick-up Truck	2,078	2,407	329	
2002	Ford	F350 4x4	Dump Truck	71,482	71,628	146	
2011	International	7400	Dump Truck	12,677	12,805	128	
2016	Ford	F350 4x4	One-ton Dump Truck	2,986	3,452	466	
2006	Dodge	Charger	Sedan	122,347	122,487	140	

Equipment

Year	Make	Model	Description	Hours Starting	Hours Ending	Hours Used	Comments
1997	JD	770BH	Grader	5,018	5,018	0	
2004	IR	DD-24	Asphalt Roller	256	256	0	
2006	IR	185	Air Compressor	181	181	0	
1993	Ford	5030	Tractor	467	476	9	
1997	Bobcat	763	Skid Steer	2,041	2,042	1	
2014	Case	580 SNWT	Backhoe	636	646	10	
2002	Crafco	110	Crack Sealer	778	778	0	
2003	Kubota	L3710	Tractor	1,512	1,523	11	
2009	Case	465	Skid Steer	542	542	0	
2004	Case	621D	Front Loader	2,186	2,186	0	at treatment plant

Sep-17

City Influent	39.95 MG	City Avg Daily	1.33 MG
LCF Influent	NA MG	LCF Daily Avg	NA MG
Total Biosolids	.968 MG	Precip	1.72"

Vehicles

Year	Make	Model	Description	Mileage Start	Mileage Ending	Miles Driven	Current Use	Comments
1999	Sterling	Vactor	Jet Truck	8069	8075	6	Collection System	
2002	Ford	350	Pick Up Truck	92008	92304	296	Ops/Maint.	
2006	Ford	Cr Vic	Sedan	149696	150322	626	Ops/Maint.	
2005	Ford	550	Flatbed Truck	42088	42211	123	Ops/Maint.	
2005	Freightliner	M2106	Dump Truck	18874	18968	94	Biosolids Disposal	
Total						1145		

Equipment

Year	Make	Model	Description			Hours Used	Current Use	Comments
1991	Case	1825	Uni-Loader	938	938	0	Plant Activities	
1999	Sterling	Vactor	Jet Truck	2222	2226	4	Collection System	
1999	Aries	Saturn III	Camera Trailer	344	344	0	Collection System	
2004	John Deere	7920	Tractor	1153	1156	3	Biosolids Disposal	
2005	Polaris	Ranger #1	Utility Vehicle	1166	1170	4	Operations	
2004	Case	621D	Loader	2210	2212	2		
2005	Polaris	Ranger #2	Utility Vehicle	1095	1098	3	Maintenance	
2006	JCB	531-70	Telehandler	526	527	1	Plant Activities	