



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

COUNCIL AGENDA
Regular Meeting
Thursday, October 5, 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

Council Consideration of Agenda Items:

2. Lansing Community Library Advisory Board Appointments
3. Sidewalk Fee Waiver Request – 1009/1007 North 4th Street
4. Conditional Use Permit – 1104 Industrial Street
5. Conditional Use Permit – Lansing Correctional Facility Solid Waste Landfill
6. Resolution No. B-6-17 – Condemnation for DeSoto Road Land Acquisition

Reports:



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

Proclamations

Other Items of Interest

Adjournment

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Sarah Bodensteiner, City Clerk 
DATE: September 28, 2017
SUBJECT: Approval of Minutes

The regular meeting minutes for September 21, 2017, are enclosed for your review.

Action: Staff recommends a motion to approve the regular meeting minutes for September 21, 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: Kerry Brungardt
Ward 4: Tony McNeill and Gregg Buehler

Councilmembers Absent: Jesse Garvey

OLD BUSINESS:

Approval of Minutes: Councilmember Buehler moved to approve the regular meeting minutes of September 7, 2017, 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 there was none.

Presentation

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Ordinance No. 988 – Condemnation for DeSoto Road Project: Councilmember Kirby moved to adopt Ordinance No. 988 as presented. Councilmember Pawlowski seconded the motion.

- City Administrator Tim Vandall stated we did have one more property owner verbally agree to terms, we don't have that signed contract yet so we left it on here, so this is down to two. We're actually pretty close with one more property owner, so we feel pretty good about having this down to one.

The motion was unanimously approved.

Public Hearing on Consideration of the creation of a Community Improvement District for 555 N.

Main Street: Councilmember McNeill moved to open the public hearing for the consideration of the Community Improvement District. Councilmember Buehler seconded the motion. The motion was unanimously approved.

- Peggy Tunink of 126 Fairlane stated mainly I came because I saw in the newspaper, in the weekly addition, I saw that they were going to be doing a hearing about a 1% sales tax for community development and even though it's talking about the car dealership there are nine properties that border that and we are affected by that car dealership. When I bought it it was just a little nothing, it was just the RV part, with half of that cinderblock building and then it expanded and actually they put up a wall before it expanded, the retaining wall, it's got cracks but it's holding on and that was in '77. The main problem happened in '91-'92 when they bought properties. It was just behind the Subway and like our four houses and then they bought everything else and there are now nine properties: three apartments, our five houses, and the Subway. So in '93 is when we had lots and lots of rain; I have, I don't know if anybody wants to look, but I have pictures, but these are some of the pictures from '93. This is my property and this is what it looked like after every rain. The next thing was in '95 Tom Larkins bought the property and he was very nice, I went to school with him for eleven years, he was a year ahead of me, and I actually worked for his car dealership for a year, and he decided to build a curb and that curb had deterred the water. The curb is here and is falling apart, but that's the curb. It's eight inches tall and it's about twenty inches away from the wall, and it's supposed to stop the water running. Three years ago they did resurfacing on the car dealership from Subway to the three houses, they stopped at my house, and resurfacing sounds like a good idea. It's not like what the Streets does, they don't chunk out asphalt and put new asphalt back in, they just resurface, and that's what had happened in '91 and '92 when they added all that property. They put new asphalt down on the old part, but then they added it to the new. The wall originally was like this and the asphalt down here, and then it rose like this. So three years ago in September, this is multiple pictures, but that's what happened the last rain.
- Councilmember Kirby asked so you're saying last week.
 - Peggy Tunink replied yeah, with that last rain. Actually anytime it rains hard you can go out and watch it, it doesn't happen everywhere but each of those lamp posts act like if you put a cup inside your gutter and it gets filled up and it goes up and over, and that's what's happening and it's digging a hole every time. Right now you can look at the curb and the wall and it's still that far but on the other side of the curb it is now this big so it is pouring over the curb into the properties and this community development was talking about was resurfacing, which I'm thinking would be the rest of the property all the way up, which would put all the water back in my yard again. So I'm just concerned about that and since we are part of the community I was hoping that; the car dealership is a vital part of the community and I know it's very important to give them the money that they need for repairs, but I

would hope that they would be encouraged to remember the properties that are directly behind them that their improvements will destroy our yard.

- Mayor Smith asked Tim the CID would cover that right, because it's so open.
 - City Administrator Tim Vandall replied yeah I believe the stormwater improvements would be covered with the CID. That would be something that we would have to coordinate with Speedway Dodge and probably add to the development agreement.
- Councilmember Kirby stated just because it could cover it are we going to tell him it's going to cover it.
 - Councilmember Buehler stated we'd have to add it.
 - City Administrator Tim Vandall replied we probably want to add something to the development agreement to assure.
 - Councilmember Studnicka stated it has to be a part of the development plan I would think, to mitigate that stormwater run-off.
 - Councilmember Kirby stated just to say he could do it doesn't mean it gets done.
 - City Attorney Gregory Robinson stated but you also have to remember that there are legal remedies if you create a nuisance on the other people's property and it's your doing, directing the water onto it, so there are other methods. I certainly understand why you want that in the agreement, but there are other mechanisms besides this that are available.
 - Mayor Smith stated I guess what I'm saying is it's not that they would do it but it's possible that it could be included by the new statute CID that exists now and that would be up to the place and we would take that all into consideration before we went any further with this, so bringing it to our attention was the right thing to do now. Tim, do you or Jeff have anything else to say about this?
 - City Administrator Tim Vandall stated Jeff, Stefanie, and I went out there this morning to take a look at the issue, and it's true, it's an asphalt curb basically that blocks out a little bit of the water, so I think we were kicking around ideas of what can be done. We found out about this pretty recently so I don't think we have an estimate or anything on how to resolve it yet, but I think it's something that could be resolved and this would be an eligible expense.
 - Peggy Tunink stated thank you for listening to me.
 - Mayor Smith stated thank you for coming in.
 - Councilmember Brungardt stated thank you ma'am.
 - City Attorney Gregory Robinson asked Ms. Tunink, are the pictures for the council to keep or do you want us to make a copy because it is an open record, because we have to keep it as a record.
 - Peggy Tunink replied you can keep them if you want, but not the little ones.
 - City Attorney Gregory Robinson stated we can make copies.
 - Councilmember Pawlowski asked maybe Sarah do you want to copy them.
 - City Clerk Sarah Bodensteiner replied I will still need to make copies.
 - Councilmember Pawlowski asked can she just copy them and then bring them to you at work.
 - Peggy Tunink replied oh yes.
 - City Clerk Sarah Bodensteiner asked where does she work.
 - Councilmember Pawlowski replied at the water department.

Councilmember Studnicka moved to close the public hearing for the consideration of the Community Improvement District. Councilmember Brungardt seconded the motion. The motion was unanimously approved.

- Mayor Smith stated I need a motion to adopt Ordinance No. 989 and approve the Development Agreement.
 - Councilmember Pawlowski asked as it's written.
- Councilmember Kirby stated we need a motion to discuss.
 - City Administrator Tim Vandall replied we can discuss it without a motion.
- Councilmember Kirby asked this obviously isn't a new problem, ma'am, this is not a new problem Ms. Tunink?
 - Councilmember Studnicka replied no.
 - Councilmember Kirby stated this is an ongoing issue.
 - Peggy Tunink stated yes.
 - Councilmember Kirby asked have you went to the dealership.
 - Peggy Tunink replied yes.
 - Councilmember Kirby stated okay.

- Peggy Tunink stated actually when they did the resurfacing he was nice because there was a big chunk of the curb that had broke away and he did weld that back in. But there are more cracks, but yes I have talked many times with Mr. Ladd.
- Councilmember McNeill stated I have a question on the enclosure which it says what it can be spent on, the tax money, and one of them is acquisition. The district only goes around the business only, so are we talking about buying the land the business is sitting on? Is it being leased currently?
 - City Administrator Tim Vandall replied money for the tax district can only be used to purchase property that is in the district.
 - Councilmember McNeill replied right, but this right around just one business, so you would only buy property on that business which is what property? This business.
 - City Attorney Gregory Robinson stated so you're asking if he can sell it to himself.
 - Councilmember McNeill stated or is it currently being leased?
 - City Administrator Tim Vandall stated Gina do you want to address that.
- Gina Riekhof of Gilmore & Bell stated good to see you all again, as a reminder our firm serves as special counsel to the City on this and assisted staff on the development agreement that you are referring to. So one of the things we had talked about was potential acquisition of other property that was adjacent to the district as being something that the applicant was interested in potentially in the future spending CID proceeds on if the property became available and there were proceeds there to help pay for it. Under Kansas law you're only allowed to acquire property within the district boundaries, and so what would have to happen is that there would have to be a petition to expand the boundaries of the district and we would have to go through this process again, the notice and the public hearing, to expand the boundaries of the district before that property was actually acquired in order for it to be paid for with proceeds of the CID. Based on some feedback we had gotten at the last meeting when we talked about this, we did carve out a couple of different types of land acquisition from being anything that would be eligible even if the district were expanded. Essentially the land that dealership is on right now is in a trust, is owned by a trust, we did say that none of the CID proceeds could be used to purchase the land from the trust because Speedway Auto is the entity that you are contracting with in order to facilitate CID, so we did say that none of the CID proceeds could be used to acquire the property from the trust. We also said that the CID proceeds couldn't be used to acquire property from any partner, member, shareholder, trustee, beneficiary, or family member, of any of those people, so you couldn't have any sort of insider dealing potentially by one of those people acquiring one of the adjacent properties and then holding onto it trying to sell it, or acquire it with the CID proceeds. Again that was based on some feedback that we heard after the last meeting, and hopefully that clarifies that provision in section three of the development agreement. Does that answer your question?
 - Councilmember McNeill stated maybe I was reading it a little bit differently, but I mean the asterisk by the property acquisition says that no property acquisition costs shall be reimbursed to the developer, unless the acquired property was included within the boundaries of the district as of the date of the acquisition, so it just seems strange that we would have anything even in there because the current boundaries are this. I mean if have something and you bring it up there that says this boundary is extended then you can purchase outside the original boundaries of the agreement. Maybe that's how you'd say it legally, it just doesn't make sense to me.
 - Gina Riekhof of Gilmore & Bell replied the point here is that we wanted to make it absolutely clear that the acquisition would have to occur after the district boundaries were expanded. So if Speedway Auto purchased a neighbor's property and then wanted to hold it and then petition for that property to then be included in the expanded district, and that happened the district was expanded, the purchase price from Speedway Auto to the neighbor would not be a cost that would be eligible to be reimbursed from the CID proceeds. The idea was that if CID sales tax proceeds built up in the account that the City was holding, you wouldn't want that money to be used, under State law it wouldn't be permitted to be used for that purpose, for a prior acquisition essentially.
 - Councilmember Pawlowski asked but he could put it under contract, come to the City and ask for the expansion and then could approve it and then he could close.
 - Gina Riekhof of Gilmore & Bell replied that is correct and that is the process we've talked about with Mr. Ladd.
 - Councilmember Pawlowski asked and he's okay with all that.
 - Gina Riekhof of Gilmore & Bell stated and it would have to be that property owner that would be the one, because the owner of the property has to be the one that petitions to add the property to the CID, so that would have to be part of the real estate purchase contract.
 - Councilmember Pawlowski asked and how long does that process take just out of curiosity.

- Gina Riekhof of Gilmore & Bell replied we were here in August to set the public hearing, so thirty, forty-five days not very long.
 - Councilmember Pawlowski stated nothing unreasonable.
- Councilmember Kirby stated the water run-off hasn't been, I mean, it has been going on for years. She's approached them and we still have a problem.
 - Councilmember Pawlowski stated so we could put that in the development agreement.
 - Gina Riekhof of Gilmore & Bell replied yes, there could be a provision put into the development agreement that would make as a condition to pay out of the CID sales tax proceeds for eligible costs something to address the situation. The one thing I would say is that CID proceeds like we just talked about can only be spent within the boundaries of the district, so on this particular property. If there was money spent to make repairs on the neighbor's property or if that was necessary in order to solve the problem that would not be a cost that would be an eligible reimbursement from CID proceeds, but it would be something that you could contract, require, the Speedway Auto folks to undertake in order to be eligible for reimbursement for CID proceeds.
- Councilmember Trinkle asked when they originally put the higher curb did that take care of the problem, am I to understand that right.
 - Peggy Tunink replied it did sort of.
 - Councilmember Trinkle asked but it did until they started to overlay.
 - Peggy Tunink replied it did most of the time except where those light poles are. Every time it hits a light pole it's like a little damn, it's like putting a cup inside your gutter, it hits that light pole and pours over and that's been going on since '95, and I've asked him about moving the light poles and he said that's way too expensive we can't even think about that, so that was that answer, and behind my neighbor Fred Sloan lived there for thirty years he died two years ago he was eighty-nine and he was handicap and didn't get out, so I took care of his property back behind there and I built kind of a makeshift little dike, so the water pours over everywhere but the water runs down slowly and it doesn't pour into his property because it was making a creek. He had to hire to have the grass mowed and he couldn't get anyone in a lawnmower to get back there. You know you pay taxes on your property but you can't use it because it's flooded, that's why I've been dealing with it more because of his problem and then right next to him, after they cleared the brush away, Caitlyn she's a single mom, and she has got a major problem, it's a giant hole that goes under her fence and her little dog gets out, but it digs a hole every time it goes over and it was doing the same in '93 and every time it happened I would get out there and fill it with dirt and we'd put grass and gunny seed sacks and it would grow and then we'd have major problems again.
 - Mayor Smith asked and that's all from the run-off.
 - Peggy Tunink replied yeah.
 - Mayor Smith stated that's something we've got to look at.
 - City Administrator Tim Vandall stated I think part of the issue is like she had said, the curb, with each subsequent overlay the curb is not as high as it was and also there are a few cracks in it because it is an asphalt curb. We spoke about if there was some sort of concrete curbing we could do near there that might help out a little bit.
 - Councilmember Kirby asked we?
 - City Administrator Tim Vandall replied that would be CID eligible.
 - Councilmember Pawlowski asked can I ask Mr. Ladd a question. Do you have idea, have you looked at the problems and how you can solve it.
 - Daniel Ladd replied as a part of the initial parking lot resurfacing, when we do that with the CID funds it would be very easy to do and not real costly.
 - Councilmember Pawlowski asked would you have a problem if we put that in the development agreement that when you resurface the parking lot you take care of the problem.
 - Daniel Ladd replied no that would be fine, as long as we can stay timely is all.
 - Councilmember Pawlowski asked so do we need to table the development agreement.
 - City Administrator Tim Vandall replied I think we can still approve it with that condition.
 - Gina Riekhof of Gilmore & Bell stated I would recommend that if you would feel comfortable with it you could approve the ordinance as presented which approves the development agreement in substantially the form presented this evening. You could mention specifically that you want a provision related to the drainage issue addressed in the development agreement, and then we'll work together to make sure that we get that accommodated, the Mayor and staff will work on that and make sure that everything is acceptable, and then the

Mayor wouldn't sign until after we had that provision included. The one thing I would note in Mr. Ladd's comment about timing, in order for the sales tax to take effect on January 1, we need to provide notice to the Department of Revenue by the end of the month and the ordinance needs to be published before that time so that we can meet all of the statutory requirements. So delaying until another meeting would require us to basically wait another quarter before the sales tax could be in effect.

- Councilmember Trinkle stated it could be noted that it will pass and we accept it but with this provision.
 - Gina Riekhof of Gilmore & Bell stated absolutely and we'll work on making sure the language accommodates what you want and the Mayor won't sign the development agreement until after it has a provision that he knows is acceptable to all of you.

Councilmember Pawlowski moved to adopt Ordinance No. 989 creating the Community Improvement District and approve the Development Agreement with the inclusion of a provision regarding the remediation of the storm water issues affecting the properties to the south of the district. Councilmember Buehler seconded the motion.

- Councilmember Brungardt stated I just want to make sure that it's fixed to her standards. How do we have the assurance of that it's going to be fixed to her standards.
 - Councilmember Kirby stated we don't.
 - City Attorney Gregory Robinson replied I don't think we fix it to her standards, I think we fix it to our technical specs standards that would require Matt to review.
 - Councilmember Brungardt stated I understand that, but let me rephrase it then Greg, that it's fixed correctly, we could assure her that.
 - City Attorney Gregory Robinson replied and abates the problem.
 - City Administrator Tim Vandall stated Jeff and I spoke about this too, so a reminder, instead of this water going into backyards, all of this water is going onto K-7 then so there is going to be more discharge then onto K-7.
 - Councilmember Pawlowski stated that's KDOT's problem.
 - City Administrator Tim Vandall replied it is and there is better stormwater on K-7 than there is there, but just something to keep in mind.
 - Councilmember Kirby stated it's not these people's backyards.
 - City Administrator Tim Vandall replied exactly.
 - Councilmember Pawlowski stated and we don't have those huge gulley washers all the time but when we do there is water coming from everywhere on K-7.
 - Councilmember Trinkle stated we have a chance to fix the problem so let's fix the problem.
 - Councilmember Brungardt asked Matt do you have anything to say on this.
 - City Engineer Matt Harding replied I haven't really had a chance to look at it yet.
 - City Administrator Tim Vandall replied we just found out about this really recently.
 - City Engineer Matt Harding replied but I'd be happy to take a look at it.
 - Councilmember Brungardt responded please, thank you.

The motion was approved, with Councilmember Kirby voting against the motion.

Structure Removal Cost Share Request – 1102 N. Main Street: Councilmember McNeill moved to approve the structure removal cost share application with the bid from Linaweaver Construction for the structure located at 1102 North Main Street. Councilmember Trinkle seconded the motion.

- Councilmember Studnicka asked isn't this structure already torn down, I think I saw them working on it this week.
 - City Inspector Rebecca Savidge replied that was for South Main, this is for North Main, the white house with all the outbuildings.
 - City Administrator Tim Vandall stated by the Chatterbox.
- Councilmember McNeill asked how many have we done Stefanie, what is this like the third.
 - City Inspector Rebecca Savidge replied yes this is the third.
- Councilmember McNeill asked how much do we have in the bank.
 - Councilmember Pawlowski replied we had forty thousand dollars.
 - City Administrator Tim Vandall replied so this would be twelve thousand.

The motion was unanimously approved.

Request to Purchase – Replacement Control Systems for Belt Filter Press: Councilmember Buehler moved to approve the quotation from Andritz Separation for the replacement of the control system in the belt filter press, at a cost of \$28,799.00. Councilmember Brungardt seconded the motion.

- Councilmember Studnicka this equipment that you're replacing is this equipment that was put in new when we built the plant.
 - Wastewater Utility Director Tony Zell replied yes exactly, this was the very first thing that was put in when we did the upgrade in 2004, this is the original system and its components.
- Councilmember Pawlowski asked I read this and absolutely understood like nothing about it, so we're replacing something that might break.
 - Wastewater Utility Director Tony Zell replied correct and that we can no longer get parts for.
 - Councilmember Pawlowski asked but we just went to one company.
 - Wastewater Utility Director Tony Zell responded it's the only company, it's there technology.
 - Councilmember Pawlowski stated and that was my question this is the only company that makes these things.
 - Wastewater Utility Director Tony Zell replied it's their system. It would be like replacing the Sync system in a Ford vehicle, you couldn't go to Chrysler and say hey give me a price for this Sync, because they're not going to do it, that's just how it works.
 - Councilmember Pawlowski asked it kills me that every time we do this we only have one person to go to and we have to do what they say because they are the only ones that have it. So next time we build a water treatment plant let's find somebody that makes a lot of things.
 - Wastewater Utility Director Tony Zell stated the components are available, it's the programming, the installation, coordination, and everything else that goes into it. We'll be able to buy new components now as replacement parts, but we're not going to be able to buy components hand them to somebody and say hey please put this in and oh by the way please warranty it and make sure it works.
 - Councilmember Pawlowski stated I just assumed since these are now thirteen years old that technology has changed and gone to something new, like my refrigerator.
 - Wastewater Utility Director Tony Zell replied absolutely.
 - Councilmember McNeill asked the old system, which I was reading the document you put together, you said we had a spare and that was the one that was actually being used or something.
 - Wastewater Utility Director Tony Zell replied right.
 - Councilmember McNeill asked so if that goes out.
 - Wastewater Utility Director Tony Zell replied we have no other spares.
 - Councilmember McNeill asked so the new system the way I read the contract says no spares will be included, so how is this any better than the current situation we're in since we don't have spares, I mean we can buy one I guess, but is that the only difference.
 - Wastewater Utility Director Tony Zell responded I'll be able to source those parts myself without a guarantee through the integrator, through the manufacturer and I'll be able to put those on my shelf as a spare, but I can get them cheaper than he can.
 - Councilmember McNeill stated if you can get them cheaper than he can, I just want to make sure that we buy a spare. I mean right now it's kind of like we're replacing it with something new but we still have a spare, so if it goes down it's a down time of a couple days.
 - Wastewater Utility Director Tony Zell stated so the bid is very vague as to the system components, so think of a desktop computer, we're buying the monitor, we're buying the hard drive, and we're buying twelve other hard drives that go with it, and then a processor, and then a keyboard and a mouse. That's not technically what we're buying but those are components; all of those things work together to form the system. I can go out and buy an extra monitor, I can go out and buy an extra hard drive and keep those parts on the shelf like I would for any other system, I just can't go out and source all of them, hand them over and say put this in and guarantee that it'll work. Does that make sense? Does that answer your question?
 - Councilmember McNeill replied well sort of, but if my mouse goes down my system isn't really bad, so I mean there's components that are critical to

running that operating system, so whatever those components are I would think we'd need spares.

- Wastewater Utility Director Tony Zell stated we will get spares.
 - Councilmember McNeill stated that's all I wanted to hear, that's all, let's get some spares.
 - Wastewater Utility Director Tony Zell replied spares are coming.

The motion was unanimously approved.

- Wastewater Utility Director Tony Zell stated I always believe that two is one and one is none, so we'll have plenty of spares, thank you.

REPORTS:

Department Heads: Department Heads had nothing to report.

City Attorney: City Attorney had nothing to report.

City Engineer: City Engineer had nothing to report.

City Administrator: City Administrator Tim Vandall mentioned that the League of Municipalities Regional Supper is coming up on October 11th in Lawrence, and to please let him know if you want to attend. He also mentioned that the Volunteer of the Year dinner is October 2nd and to RSVP if you want to attend. He clarified that the Bid Opening date for the McIntyre Road project is actually on September 26th and not the September 19th date mentioned in his report. Once that day comes he will pass along the bid and add alternate amounts to the Council. Tim updated the Council on the water line construction to Bernard Park, per Lan-Del they are shooting for a construction start date of October 9th through October 16th. Tim also mentioned that the Tree Board may request a joint work session in the coming months to discuss an arboretum proposal. Tim discussed that staff is working on a code enforcement education campaign to help the community stay updated on what the rules are, bulky item pick up information, and keeping people informed of the citywide clean-up via social media and other avenues.

Governing Body: Mayor Smith gained consensus to review the Urban Growth Management area and what control the City has with that and discuss with the County. Mayor Smith asked Representative Debbie Deere to come to the podium as she was in the audience.

- Representative Deere mentioned that she got her dates mixed up and thought that the Planning Commission discussion on her request for renewal of the Conditional Use Permit for A Deere Place was this evening. She also mentioned that she will not be at the Council Meeting where they will take formal action and thanked the body for their consideration on the application and also noted that A Deere Place is in its twenty-fifth year of operation.

Councilmember Studnicka asked Chief Wayman to pass along an 'atta boy' to Office Linn, as he did a great job handling a situation he was called out for and he was very professional and courteous. He also mentioned that he fully supports mitigating the stormwater issue that is effecting Ms. Tunink's property behind Speedway Dodge and this is the right time to get it fixed.

Councilmember Trinkle mentioned that the Citywide Garage Sales are this weekend.

Councilmember Kirby congratulated the Wastewater Department for continuing their high standards, as it shows per the Compliance Ratio Letter that was included in the packet.

Councilmember Buehler provided a fun fact, on this day in 1937, *The Hobbit* was published.

Councilmember McNeill thank Ms. Tunink for coming to the Council to tell them about her issue, because if she hadn't come, they'd never know about it.

Councilmember Brungardt thanked Ms. Tunink for coming, preparing, and delivering a very good statement regarding her issue with run-off. He also thanked City employees who participated in Challenge Day at the Middle School it was really appreciated.


ADJOURNMENT: Councilmember Brungardt moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was approved, with Councilmember Trinkle voting against the motion. The meeting was adjourned at 7:42 p.m.

ATTEST:

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Terri Wojtalewicz, Library Director
DATE: September 28, 2017
SUBJECT: Library Advisory Board Appointments

There are three (3) position on the Library Advisory Board that expired on September 30, 2017. The positions were advertised and three (3) applicants have applied.

The Lansing Community Library Advisory Board met on September 26th to review the applications and meet with the applicants, Karen Miller, Ernest Young Jr, and Wendy Vodarick. The Lansing Community Library Advisory Board voted unanimously to recommend Karen Miller, Ernest Young Jr, and Wendy Vodarick to serve on the Lansing Community Library Board for a term expiring on April 30, 2021.

Policy Consideration: n/a

Financial Consideration: n/a

Action: To appointment of Karen Miller, Ernest Young Jr, and Wendy Vodarick to the Lansing Community Library Advisory Board to fill the positions with terms ending April 30, 2021.

CITY OF LANSING

800 First Terrace

Lansing, Kansas 66043

Telephone: 913-727-3036 * Fax: 913-828-4579

www.lansing.ks.us

APPLICATION FOR LIBRARY ADVISORY BOARD MEMBER

Name: Karen Miller

Lansing Address: 130 Encke St, Lansing

Home Phone: 913 547 4956

Secondary Phone: _____

E-mail: Karen.miller01@yahoo.com

Please attach a written statement expressing your interest in being appointed to the Lansing Community Library Board. Your written statement should address the following three topics:

1. Qualifications for the position.
2. Desired accomplishments as a Board Member.
3. Willingness to attend board meetings and trustee training.

Also attach the name, address, and telephone number of three personal references.

This appointment is for a four (4) year term on the Lansing Community Library Advisory Board expiring April 30, 2021. Applicants must be a resident of Lansing, 18 years of age, a U.S. citizen, and registered to vote.

All applications should be returned to Lansing City Hall, marked to the "Attention of the City Clerk" by close of business on Thursday, August 17, 2017.

RECEIVED

JUL 21 2017

CITY OF LANSING

July 20, 2017

To Whom It May Concern:

I am interested in becoming a member of the Lansing Library Board. I am currently a Library Media Specialist at Eisenhower Elementary School, Ft. Leavenworth, KS. I have been in this position for five years. I have a total of 21 years experience in education, mostly dealing with Reading, English, and Literature classes.

As a board member, I would like to see more of the Lansing community experiencing the wonderful things this library has to offer. Terri and her crew do a fabulous job coming up with entertaining, family-oriented events such as the summer reading programs for kids. With my experience as a librarian, I believe I will be an asset to the board and be able to give valuable advice regarding programming and budget issues.

If selected for this position, and I am more than willing to attend the monthly board meetings and participate in trustee training.

Please feel free to contact these personal references as needed:

Terri Wojtalewicz
715 Rock Creek Dr
Lansing, KS 66043
(913) 702-4826

Kim Cupp
3812 Lakeview Dr
Leavenworth, KS 66048
(913) 775-3368

Cindy Wepking
Principal, Eisenhower Elementary School
1 Eisenhower Circle
Ft. Leavenworth, KS 66027
(913) 651-6663

Thank you for your consideration for this position. I am looking forward to hearing from you soon!

Karen Miller
(913) 547-4956



CITY OF LANSING

800 First Terrace

Lansing, Kansas 66043

Telephone: 913-727-3036 * Fax: 913-828-4579 www.lansing.ks.us

APPLICATION FOR LIBRARY ADVISORY BOARD MEMBER

Name: Ernest Young Jr.

Lansing Address: 103 Ferncliff Street

Home Phone: 913-727-2082

Secondary Phone: 913-683-2296

E-mail: eyoungks@aol.com

Please attach a written statement expressing your interest in being appointed to the Lansing Community Library Board. Your written statement should address the following three topics:

1. Qualifications for the position.
2. Desired accomplishments as a Board Member.
3. Willingness to attend board meetings and trustee training.

Also attach the name, address, and telephone number of three personal references.

This appointment is for a four (4) year term on the Lansing Community Library Advisory Board expiring April 30, 2021. Applicants must be a resident of Lansing, 18 years of age, a U.S. citizen, and registered to vote.

All applications should be returned to Lansing City Hall, marked to the "Attention of the City Clerk" by close of business on Thursday, August 17, 2017.

RECEIVED

JUL 26 2017

CITY OF LANSING

103 Ferncliff Street
Lansing, Kansas 66043

July 24, 2017

City of Lansing

Attention of the City Clerk

800 1st Terrace

Lansing, Kansas, 66043

To whom it may concern,

I wish to be considered for the vacancy on the Lansing Library Advisory Board.

My qualifications are as follows:

1. I earned a bachelor of science degree in mathematics, a master of arts degree in business administration and a master of arts degree in personnel management that required me to become very familiar with repeated use of library systems.
2. I served as faculty advisor for a master of arts degree candidate while serving on the Command and General Staff College (CGSC) faculty.
3. I served as an author/instructor for four years at CGSC, where I developed and published a reference book (RB 101-5, Staff Operations) for use by the CGSC faculty.
4. I served as an Army civil service supervisory management analyst, achieving the grade of GS-15 (1984-2003).
5. I served on the board of directors for Blacks in Government of Greater Kansas City, Missouri (2001-2002).
6. I served on the board of directors for the world's largest humanitarian service club organization, The International Association of Lions Clubs (2004-2006).
7. I served on the board of directors of Great Plains Lions Leadership Institute (2007-2012).
8. I served on the University of Kansas Department of Ophthalmology Advisory Board (2009-2013).

My desired accomplishments as a Board Member are as follows:

It is my desire to contribute to the highest possible level of accomplishment and achievement for the Lansing Library so that its significance among outstanding libraries is remarkable and equaled by very few. I want everyone to recognize that the Lansing Library is keeping pace with, or exceeding the expectations of the Lansing community and others who have the privilege to access such an awe-

inspiring resource. Moreover, I would like to participate in the identification of desired enhancements that will improve the value and effectiveness of the Lansing Library.

My willingness to attend board meetings and trustee training is described as follows:

My adult life is characterized by disciplined actions wherever I have volunteered or been required to actively participate in associated events to ensure the best possible results. This discipline and pride in my active participation as an Army officer for twenty years, as an Army civil service manager for nineteen and one-half years, as a member of the Lansing Lions Club for twenty-five years and active participation in several organization boards described in the qualifications paragraph above have contributed to my consistent effectiveness and success. I have always taken pride in my performance regardless of the type of endeavor. I believe that it is impossible to achieve maximum possible success without active participation to exchange ideas and stay informed of those issues that affect possible courses of action. It is very clear to me that effective training can drastically shorten the learning curve needed to become an effective contributor/performer; therefore, I consistently take advantage of training opportunities to a high level of preparedness.

I will be happy to discuss this application further at your convenience.

Respectfully,



Ernest "Ernie" Young, Jr.

1 Enclosure: Personal References

APPLICATION FOR LIBRARY BOARD ADVISORY MEMBER

PERSONAL REFERENCES:

Mayor Mike Smith

800 1st Terrace

Lansing, Kansas 66043

Phone: 913-727-3036

Mrs. Kimberly Baker

2925 Girard

Leavenworth, Kansas 66048

Phone: 913-547-0468

Mr. A. C. Byrd

14187 Nottingham Drive

Leavenworth, Kansas 66048

Phone: 913-727-1472

ENCL 1

CITY OF LANSING

800 First Terrace

Lansing, Kansas 66043

Telephone: 913-727-3036 * Fax: 913-828-4579

www.lansing.ks.us

APPLICATION FOR LIBRARY ADVISORY BOARD MEMBER

Name: Wendy Vodarick
Lansing Address: 23150 147th St, Leavenworth, KS 66048
Home Phone: -
Secondary Phone: (484) 560-9188
E-mail: wendy.vodarick@gmail.com

Please attach a written statement expressing your interest in being appointed to the Lansing Community Library Board. Your written statement should address the following three topics:

1. Qualifications for the position.
2. Desired accomplishments as a Board Member.
3. Willingness to attend board meetings and trustee training.

Also attach the name, address, and telephone number of three personal references.

This appointment is for a four (4) year term on the Lansing Community Library Advisory Board expiring April 30, 2021. Applicants must be a resident of Lansing, 18 years of age, a U.S. citizen, and registered to vote.

All applications should be returned to Lansing City Hall, marked to the "Attention of the City Clerk" by close of business on Thursday, August 17, 2017.

RECEIVED
AUG 16 2017
CITY OF LANSING

The qualification I have for the Board position is that I volunteered at Eisenhower Elementary School on Fort Leavenworth for Karen Miller. I shelfed books and helped with end of the year inventory. I am also very willing and interested in learning as much as I can.




My desired accomplishment as a Board Member is to help out the community in any way I can. I am willing to do whatever I can do to help make it the best possible library.

I am willing and able to attend meetings and trustee training.

References

1. Karen Miller
130 Emile St.
Lansing, KS 66043
(913) 541-4956
2. Rachel Dugan
2504 Modoc Dr.
Harker Heights, TX 76548
(215) 378-9517
3. Yvonne Pennrod
215 Meade Ave
Fort Leavenworth, KS 66027
(913) 364-5324

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Rebecca Savidge, City Inspector 
THRU: Stefanie Leif, Community and Economic Development Director 
DATE: September 25, 2017
SUBJECT: Sidewalk Fund Waiver Request: 1009/1007 North 4th Street

A building permit has been applied for and approved to start construction for a new single family dwelling on an older lot in town. This lot, on 1009 North 4th Street, previously had a home that was recently demolished. There is currently no sidewalk or curbing on this street. A sidewalk fee is charged if a sidewalk is not constructed. A sidewalk here, if constructed, would go nowhere. These funds go directly into the City's Capital Reserve sidewalk fund. The city requires all new single family dwellings not located in a subdivision be charged a sidewalk fee. This fee is based on the amount of road frontage multiplied by the current cost adopted in the fee schedule for sidewalk cost. In this case, the linear frontage of each lot is 60' and the adopted sidewalk cost is \$28.00 per linear foot.

The owners of the properties are Travis and Trey Hartwich. They purchased the lots, created two lots, and plan to build two single family dwellings. The first home will be built on 1009 North 4th Street, the permit has been approved, and they are ready to proceed. The contractor of record has requested the sidewalk fee be waived. See the attached email.

Most new homes built in the old section of town, which does not have sidewalks or curbs and gutters, have either received a refund or been given a waiver in the past by the City Council. A previous work session was conducted on the sidewalk fee code, but no decision or change resulted from the session.

Policy Consideration: Lansing City Code Chapter 14, Article 1, Section 14-202 addresses the requirement to pay into a sidewalk fund, and a copy of the code has been attached for further review.

Financial Consideration: A sidewalk fee of \$1680.00 per lot will be charged or waived per the direction of the City Council. Total fee waiver would be \$3360.00 (based on actual contract cost from 2012 Street and Sidewalk Construction).

Action: Staff recommends a motion to approve the waiver for the collection of the sidewalk fee on lots 1009 and 1007 North 4th Street.

Rebecca Savidge

From: larry hahn <jjcarwash@att.net>
Sent: Friday, September 22, 2017 3:17 PM
To: Rebecca Savidge
Subject: Bld Permit

Becky when you gave me the estimated cost for new construction at 1009 N 4th I noticed that you included a sidewalk fee. I am requesting that portion of the fee be waived as there is no sidewalks on 4th now and none intended to be. We intend to build two homes there.
Please let me know asap as we want to get started soon.

Thank You
Larry Hahn Contractor

ARTICLE 2. SIDEWALKS

14-201 APPLICATION FOR, COMMERCIAL AND INDUSTRIAL BUILDING OR LAND USE PERMITS

(All uses not specified in Sec. 14-202.) Any person hereinafter applying for a building or land use permit for any structure or purpose, including any residential use of a density four-plex or greater, and including the major remodeling of any structure, which shall be defined as remodeling costing twenty-five percent (25%) or more of the appraised value of said structure, for use other than single family or two-family occupancy, shall, as a condition thereof, be required to construct a sidewalk along any public street or streets adjacent to the parcel of land associated with such building or land use building permits. In lieu of construction of the sidewalk, and at the discretion of the Governing Body, the person applying for a building or land use permit may contribute to the Capital Improvements Sidewalk Fund an equivalent amount per linear foot, based on sidewalk type and current construction cost estimate as set forth in a schedule updated annually by the Public Works Department, of the required sidewalk along the entire street frontage of said tract or building lot. Such contribution shall take the form of cash or certified check, and shall be nonrefundable.

14-202 SINGLE FAMILY AND TWO-FAMILY, DWELLING REQUIREMENT

Where sidewalks are required on tracts or other locations as identified on the engineering plans for the subdivision, any person hereinafter applying for a building permit for any structure for single family or two-family occupancy shall, as a condition thereof, be required to construct sidewalks adjacent to such parcels of property. Where sidewalks were not identified as a requirement on the engineering plans of the subdivision, and were not previously installed on lots, tracts, or other locations, any person hereinafter applying for a building permit for any single family or two-family structure shall, as a condition thereof, contribute to the Capital Reserve Sidewalk Fund an equivalent amount per linear foot, based on sidewalk type and current construction cost estimate as set forth in a schedule updated annually by the Public Works Department,, of the required sidewalk along the entire street frontage of said lot, tract, or other location. Such contribution shall take the form of cash or certified check, and shall be nonrefundable.

14-203 REVOCATION OF PERMITS

In the event any person shall fail to provide sidewalks as set forth in this chapter, prior to the occupancy of such building, no certificate of occupancy shall be issued.




[illegible]

| Number of Children | Number of Families |
|--------------------|--------------------|
| 0 | 186.9 |
| 1 | 93.47 |
| 2 | 186.9 |

This Cadastral Map is for informational purposes only. It does not represent a property boundary survey of the parcels shown and is not to be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAD 83 COORDINATES

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Rebecca Savidge, City Inspector 
THRU: Stefanie Leif, Community and Economic Development Director 
DATE: September 25, 2017
SUBJECT: Conditional Use Permit – 1104 Industrial Street

Debbie Deere is the owner of an established commercial based licensed daycare center that is located in the Lansing Business Center LLC, at 1104 Industrial Street. The tenant of the property has applied for a renewal of the existing conditional use permit. This is the second renewal for the business.

The property is zoned B-3 (Commercial Business) and the daycare is licensed through the state as "A Deere Place" daycare. Since the last renewal in 2012, there have been no violations of the city code or complaints on the business. The city inspector has re-inspected the business, as well as other pertinent entities, and documentation is attached for your review. All aspects of the conditional use permit have been met or exceeded the regulations.

A public hearing notice was published in the *Leavenworth Times* on August 22, 2017, and the notice was mailed to the property owners within 200 feet of the subject property on August 29, 2017.

The Planning Commission recommended to approve the renewal of the conditional use permit for 1104 Industrial Street in a 5-0 vote at its September 20 meeting. The minutes of that meeting, the conditional use checklist, a map of location, and pictures of licensing and related items are included for your review.

Policy Consideration: Lansing Zoning Ordinance, Article 9, Section 2, "Requires the Planning Commission and the City Council to review and approve renewal of the conditional use permit. Also included for consideration, "Article 9 Section 4, Additional Requirements for Daycare Centers".

Financial Consideration: A renewal fee of \$150.00 was paid by the applicant on July 14, 2017.

Action: Staff recommends a motion to approve the conditional use permit application for 1104 Industrial Street.

Call to Order – The regular monthly meeting of the Lansing Planning Commission was called to order by Chairman Brian Schwanz at 7:01 p.m. Also in attendance were Vice-Chairman Ron Barry and Commissioners Mike Suozzo, Kirsten Moreland, and Frank Reyes. Commissioners Jerry Gies and Chad Neidig were unable to attend. Chairman Schwanz noted there was a quorum present.

Approval of Minutes – August 16, 2017, Regular Meeting – Vice-Chairman Barry made a motion to approve the minutes of the August 16, 2017, regular meeting, seconded by Commissioner Suozzo. The motion was approved, with Commissioner Reyes and Commissioner Suozzo abstaining.

Old Business – 1. Public Hearing – 501 North Main Street, Lansing, Kansas.

Chairman Schwanz noted this public hearing was opened and continued from the August 16, 2017, meeting, and the developer has asked it to now be continued to the October 18, 2017, meeting.

New Business – 1. Public Hearing – 1104 Industrial Street, Lansing, Kansas.

Chairman Schwanz stated that Debbie Deere, tenant, and acting as the agent for Lansing Business Center, LLC, property owner, is requesting a conditional use permit to continue to operate a licensed daycare center at 1104 Industrial Street, Lansing, Kansas, in the Lansing Business Center. He stated the property is zoned B-3, Commercial Business.

Chairman Schwanz opened the public hearing at 7:05 p.m. Since there was no one in the audience to address this item, he closed the public hearing at 7:06 p.m.

Chairman Schwanz asked City Inspector Rebecca Savidge if she had anything to say regarding this application. She stated she went through and inspected again and has received no complaints on this property since the last conditional use permit application in 2012. She said the state and the Fire Marshal have been through and everything is in order. Vice-Chairman Barry asked if this was their first or second renewal and Ms. Savidge stated it is their second.

Since there were no other questions or comments, Chairman Schwanz entertained a motion to accept the checklist as a finding of fact. Commissioner Moreland made that motion, seconded by Commissioner Reyes. The motion was unanimously approved.

Chairman Schwanz then entertained a motion to recommend to the City Council approval, denial, or approval with conditions the conditional use permit application for 1104 Industrial Street. Commissioner Moreland made a motion to recommend approval, seconded by Commissioner Suozzo. The motion passed unanimously. Community and Economic Development Director Stefanie Leif stated this would go before the City Council on October 5.

2. Public Hearing – East Kansas Avenue, Lansing, Kansas. Chairman Schwanz stated that the State of Kansas and the Lansing Correctional Facility (LCF) are requesting a conditional use permit to establish a new solid waste disposal site for construction and demolition waste on their property in Lansing. The proposed disposal site is located east of the existing medium security prison and west of Nine Mile Creek and K-5. The property is zoned A-1, Agricultural.

CONDITIONAL USE CHECKLIST

Conditional Use Case No. CU-2

Date Filed: July 14, 2017

Date Advertised: August 22, 2017

Date Notices Sent: August 29, 2017

Public Hearing Date: September 20, 2017

I. Applicant's Name: A Deere Place Inc. (Lansing Business Center)

Applicant's Authorized Agent: Debbie Deere

II. Information in Application Correct? Yes ☒ No ☐

If no, explain: _____

III. Adjacent Zoning and Land Use:

| <u>Direction</u> | <u>Land Use</u> | <u>Zoning</u> |
|------------------|---------------------|---------------|
| North | Commercial Business | B-3 |
| South | Light Industrial | I-1 |
| East | Agricultural | A-1 |
| West | Light Industrial | I-1 |

IV. Present Use of Property: Child Care Center

V. Conditional Use Requested: Child Care Center

Excerpt from Lansing Zoning Ordinance, Article 9, Section 3:

VI. The proposed conditional use does or does not meet the standards:

A. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations, unless specifically exempted by the provisions of these regulations. _____

Yes ☒ No ☐

B. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public. _____

Yes ☒ No ☐

C. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located. _____

Yes ☒ No ☐

D. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with

the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to the location, nature, and height of buildings, structures, walls, and fences on the site; and the nature and extent of landscaping and screening on the site. _____

Yes ☒ No ☐

E. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect. _____

Yes ☒ No ☐

F. Adequate utility, drainage, and other such necessary facilities have been or will be provided. _____

Yes ☒ No ☐

G. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys. _____

Yes ☒ No ☐

LEAVENWORTH COUNTY KANSAS

RADIUS SEARCH AERIAL

Leavenworth County Kansas

Date: 7/11/2017



RADIUS SEARCH:

PID# 099-30-0-00-00-028.00-0



LVCO

1 inch = 200 feet



2016 Aerial Photo

This map is projected to real world coordinates.
However, it is not intended for legal purposes.
Accuracy is not guaranteed.



KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
CHILD CARE LICENSING PROGRAM
1000 SW Jackson *CSOB * Suite 200 * Topeka, Kansas 66612-1274
Phone (785) 296-1270 Fax 296-0803
www.kdheks.gov/kidsnet

NOTICE OF SURVEY FINDINGS

Corrected Compliance

K.S.A. 65-512 requires all licensed facilities to be surveyed at least once every 12 months. The survey is to include all areas of the home or facility, both indoors and outdoors. The Notice of Survey Findings is your notification of the results of any on-site survey. Findings may result in enforcement action by the Kansas Department of Health and Environment (KDHE). Areas of non-compliance are to be corrected within five days as required by K.S.A. 65-513.

If you believe the findings listed below are in error, first discuss the findings with your surveyor. If the matter remains unresolved, you may request a Program Review. Procedures for requesting a Program Review can be obtained from the KDHE website or by contacting KDHE directly. Any requests for Program Review must be submitted within 15 calendar days of the date at the bottom of this form.

A Deere Place Inc **0018275**

Name of Facility (as stated on the license) License #

1104 Industrial St,

Physical Address of the facility

A Deere Place Inc

Licensee

City: **Lansing, KS**

Zip Code : **66043-**

County : **Leavenworth**

deeredebbiox5@gmail.c

Phone Number : **(913) 727-5437** Fax Number : **() -**

E-mail : **om**

Type of Facility : **Child Care Center**

Survey

Date(s) : **11/28/2016**

Survey Type : **Annual Survey**

Survey # **16-010102**

Complaint #

No areas of noncompliance noted at the time of the survey.

Consultations are not a result of a violation but are an opportunity for surveyors to provide new or updated information and/or regulatory guidance.

Surveyor : **Joy Bogart**

Date : **11/28/2016**

Provider : **Tonia Mein**

Date : **11/28/2016**

Child Care Center
Renewed License No. 0018275-017

Licensee: A Deere Place Inc

Facility: A Deere Place Inc

Located at: 1104 Industrial St
Lansing, KS 66043



License Expires

12/31/2017

In the county of: Leavenworth

Having complied with the laws and regulations of the State of Kansas governing Child Care Centers, A Deere Place Inc is hereby authorized to care for a maximum of 98 children grouped as follows:

- Unit 1 20 children, 2 1/2 years of age to school age; OR
20 kindergarten enrollees to 12 years of age;
- Unit 2A 10 children, 12 months (if walking alone) to 2 1/2 years of age; OR
10 children, 2 to 3 years of age; OR
10 children, 2 1/2 years of age to school age; OR
10 kindergarten enrollees to 12 years of age;
- Unit 2B 10 children, 12 months (if walking alone) to 2 1/2 years of age; OR
10 children, 2 to 3 years of age; OR
10 children, 2 1/2 years of age to school age; OR
10 kindergarten enrollees to 12 years of age;
- Unit 3 20 children, 2 1/2 years of age to school age; OR
24 kindergarten enrollees to 12 years of age;
- Unit 4 16 children, 2 1/2 years of age to school age; OR
16 kindergarten enrollees to 12 years of age;
- Unit 5 18 kindergarten enrollees to 12 years of age; OR
18 children, 6 to 16 years of age.

This License is effective 01/01/2017 and remains in effect until the expiration date noted by the above sticker unless invalidated by a change of owner, operator, location or it is administratively closed.

** Local codes and ordinances may prescribe other requirements for the legal operation of this facility.

Sam K. Mune

Secretary

Kansas Department of Health and Environment

Page : 1 / 1











AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Stefanie Leif, AICP, Community & Economic Development Director 
DATE: September 26, 2017
SUBJECT: Conditional Use Permit – Lansing Correctional Facility Solid Waste Landfill

Background: The Lansing Correctional Facility (LCF) is proposing to construct a solid waste landfill that would hold construction and demolition waste from the demolition of approximately eight (8) buildings on the LCF property. The proposed landfill site is just east of the medium security prison and west of Nine Mile Creek.

The landfill is proposed to hold approximately 200,000 cubic yards of waste, which is primarily steel, concrete, wood, copper, roofing, and finish materials. LCF estimates that over 85% of the waste will be concrete material. The landfill will only serve LCF and materials from other sites will not be brought to the landfill. The landfill will not be open to the public. The planned timeframe for the operation is October 2017 through the end of 2021.

LCF states that the landfill will be dug 10-15 feet into the ground and covered with dirt after it is no longer in use. LCF states no hazardous materials will be disposed of in this landfill, and any dust issues that may arise will be abated with water. The landfill site is in an area that is currently fenced and behind signage that prohibits the public from entering the area.

Prior to constructing the landfill, the State of Kansas Department of Health and Environment (KDHE) requires an "Application for On-Site or Nearby Disposal of Building Demolition Waste." In order for KDHE to process this application, LCF needs to obtain a signature from the City stating that the zoning allows this use. The LCF property is zoned A-1 Agricultural zoning, and a solid waste landfill is a conditional use in the A-1 zone. The City would need to approve a conditional use permit prior to signing off on the KDHE application.

Planning Commission Recommendation: The Planning Commission held a duly noticed public hearing on September 20, 2017, and minutes of the meeting are attached to this agenda item. The Planning Commission, in a 4-1 vote, recommended to the City Council approval of the conditional use permit with conditions.

Policy Consideration: The following regulations and plans apply to this conditional use permit:

- Lansing Zoning Ordinance Article 9 (Conditional Use)
- Lansing Zoning Ordinance Appendices A and B (Tables of Use)

Financial Consideration: The conditional use permit application requires a \$150 application fee.

Action: Motion to approve the Conditional Use Permit for the Lansing Correctional Facility solid waste landfill subject to the following conditions:

1. The conditional use permit is only valid if the State of Kansas Department of Health and Environment and other applicable state and federal permitting are approved.
2. All federal, state, and local regulations shall be met and followed for the duration of the landfill's operation.
3. The landfill is limited to construction and demolition waste only from projects on the Lansing Correctional Facility property. No other waste shall be deposited in the landfill, and the landfill shall not accept waste from other sites.
4. The landfill shall cease operation and be filled and covered by December 31, 2021.
5. A copy of all submittals to KDHE shall be submitted to the City.

Call to Order – The regular monthly meeting of the Lansing Planning Commission was called to order by Chairman Brian Schwanz at 7:01 p.m. Also in attendance were Vice-Chairman Ron Barry and Commissioners Mike Suozzo, Kirsten Moreland, and Frank Reyes. Commissioners Jerry Gies and Chad Neidig were unable to attend. Chairman Schwanz noted there was a quorum present.

Approval of Minutes – August 16, 2017, Regular Meeting – Vice-Chairman Barry made a motion to approve the minutes of the August 16, 2017, regular meeting, seconded by Commissioner Suozzo. The motion was approved, with Commissioner Reyes and Commissioner Suozzo abstaining.

Old Business – 1. Public Hearing – 501 North Main Street, Lansing, Kansas.

Chairman Schwanz noted this public hearing was opened and continued from the August 16, 2017, meeting, and the developer has asked it to now be continued to the October 18, 2017, meeting.

New Business – 1. Public Hearing – 1104 Industrial Street, Lansing, Kansas.

Chairman Schwanz stated that Debbie Deere, tenant, and acting as the agent for Lansing Business Center, LLC, property owner, is requesting a conditional use permit to continue to operate a licensed daycare center at 1104 Industrial Street, Lansing, Kansas, in the Lansing Business Center. He stated the property is zoned B-3, Commercial Business.

Chairman Schwanz opened the public hearing at 7:05 p.m. Since there was no one in the audience to address this item, he closed the public hearing at 7:06 p.m.

Chairman Schwanz asked City Inspector Rebecca Savidge if she had anything to say regarding this application. She stated she went through and inspected again and has received no complaints on this property since the last conditional use permit application in 2012. She said the state and the Fire Marshal have been through and everything is in order. Vice-Chairman Barry asked if this was their first or second renewal and Ms. Savidge stated it is their second.

Since there were no other questions or comments, Chairman Schwanz entertained a motion to accept the checklist as a finding of fact. Commissioner Moreland made that motion, seconded by Commissioner Reyes. The motion was unanimously approved.

Chairman Schwanz then entertained a motion to recommend to the City Council approval, denial, or approval with conditions the conditional use permit application for 1104 Industrial Street. Commissioner Moreland made a motion to recommend approval, seconded by Commissioner Suozzo. The motion passed unanimously. Community and Economic Development Director Stefanie Leif stated this would go before the City Council on October 5.

2. Public Hearing – East Kansas Avenue, Lansing, Kansas. Chairman Schwanz stated that the State of Kansas and the Lansing Correctional Facility (LCF) are requesting a conditional use permit to establish a new solid waste disposal site for construction and demolition waste on their property in Lansing. The proposed disposal site is located east of the existing medium security prison and west of Nine Mile Creek and K-5. The property is zoned A-1, Agricultural.

Chairman Schwanz opened the public hearing at 7:08 p.m. Steve Braga, 410 Hillbrook Court, stated he had several questions:

- ❖ How will this be funded
- ❖ What is the exact location
- ❖ What are the conditions of it

Debbie Horn of 401 Hillbrook Drive said she basically had the same questions as the previous gentleman, specifically as to where it is as she doesn't want to see, hear, or smell it from her home and doesn't want this to affect property values.

Lynne Pippin, 409 Hillbrook Drive, asked if this is just going to be for construction and demolition waste as stated in the letter or if it will be a dump for regular trash as well.

Neil Bustraan, representing the applicants, stated he is the chief of maintenance at LCF, and would try to answer some of the questions that have been raised. He stated what they're planning to do is to undertake reconstruction of a portion of LCF, which is going to take place within the existing footprint of the medium facility. He said to accomplish this, they need to take down several buildings on that compound and dispose of the rubble and the landfill would receive that rubble from the demolition. He said it will primarily be concrete block, reinforcing steel, and other building materials. He stated there should be virtually no odor at all, and in terms of dust, this will be managed by hosing down the areas to eliminate dust problems. He stated that as far as visibility from the street, this general location is north of their vehicle maintenance shops and east of the medium facility, between the road they call Avery Avenue and Nine-Mile Creek.

Commissioner Suozzo clarified that the landfill is for the demolition from the project and asked, once the demolition is completed, will the landfill be covered and finished or will it remain a landfill? Mr. Bustraan stated it will be covered with dirt and planted with seed. City Attorney Greg Robinson said the statute requires it to be covered with at least two feet of soil. Commissioner Suozzo stated that this then will not remain a landfill and Mr. Robinson said the statute states it is only for this project.

Vice-Chairman Barry asked where the construction waste from the new buildings being constructed will go and Mr. Bustraan stated it will go to this landfill. Vice-Chairman Barry then asked if the present buildings have water, electricity, and hvac in them and Mr. Bustraan said they do. Vice-Chairman Barry stated that then there will be more than just concrete, but there will also be the demolition materials from the coolers, the hvac, the piping, and the electrical.

Commissioner Reyes asked if there would be asbestos and lead and Mr. Bustraan stated the buildings have been surveyed by the EPA and found to have no friable asbestos and have no known lead-based paint.

Vice-Chairman Barry asked about what screening practice or methodology will there be prior to dumping the waste into the landfill to ensure that doesn't happen. Mr. Bustraan stated again that the buildings had been surveyed by the EPA and been cleared of any friable asbestos, and because they were built after 1985, the chances of lead-based paint are minimal.

Vice-Chairman Barry asked, as the construction and demolition are going on, what methods and procedures are going to be put in place to ensure that only those materials go into the dump site and that something else doesn't get dumped in there by the contractor. Mr. Bustraan stated the landfill will be on secure, state-owned penitentiary property, so there should not be a problem with outside waste getting on to the property. He also stated the contractor will be monitored to ensure he is only pulling out and disposing of materials from LCF property. Vice-Chairman Barry asked how the monitoring would be done and Mr. Bustraan stated they would have contractor monitors present and they will also be spot checked throughout the day.

Commissioner Reyes asked what barrier will be used between the landfill site and Nine-Mile Creek. Mr. Bustraan said they are about 200 feet from the closest point of Nine-Mile Creek and pointed out on the map where the proposed site is. He said the topography slopes toward the creek. Commissioner Reyes stated his concern is that if it rains and you have all the construction and demolition material, it's going to drain into the creek. Mr. Bustraan said since they have the road there, they could add erosion protection between the road and creek to prevent silt from getting into the creek without much issue. Commissioner Moreland asked if that was in the current plan and Mr. Bustraan said it is not, but if that's what they need to do to obtain the permit, they will do it. Chairman Schwanz stated that could be added as a condition. City Engineer Matt Harding said there have not yet been any plans submitted, just a drawing of the area.

Chairman Schwanz asked is anyone else wanted to speak before he closed the public hearing. Mr. Braga stated he was concerned because there are cattle and turkeys out there that drink out of that water. He also asked why they couldn't use the transfer station and Mr. Bustraan stated it's because of cost, as one of the more expensive portions of demolition is hauling debris.

Commissioner Moreland asked if the cattle belong to the penitentiary and Mr. Bustraan stated they belong to the state prison system under the ownership of Kansas Correctional Industries.

At this time, Chairman Schwanz closed the public hearing at 7:21 p.m.

Chairman Schwanz asked about the project length and Mr. Bustraan said the current timeline is about three years. Chairman Schwanz said since conditional use permits have to be renewed every five years if approved, once this landfill has been used and covered up, do they still have to come in every five years to renew it? Mr. Robinson stated this is a special case and is just a one-time use, because once the project is done, the reason for it is now gone. He said they could not use this landfill for any future projects without getting another conditional use permit.

Vice-Chairman Barry asked what the definition of a landfill is and once it's been filled up, is it still considered a landfill or not. Mr. Robinson stated that once it's been covered and capped, by statute, what you can then put on it would have to be determined by soil testing, etc. Vice-Chairman Barry stated if it actually remains a landfill, then they would have to come back every five years to renew the conditional use permit. Ms. Savidge stated that once it's capped and closed the way it's required to be by KDHE, there is then a resting period, and once that resting period is over, if someone proposed construction on that site, there would have to be plans and

soil tests, but it's not considered a landfill anymore. She also stated that KDHE will also be carefully monitoring this site.

Chairman Schwanz asked who ultimately has authority over this landfill – the city or KDHE, since under our conditional use permit regulations, that permit can be pulled at any time with a violation, so that would supersede KDHE.

Commissioner Reyes asked what KDHE stands for and Ms. Leif stated it's Kansas Department of Health and Environment.

She then stated that, as a background, the reason this had to come before the city is because LCF applied to KDHE for a permit to construct this landfill, but that permit required the city zoning authority sign off on it. She stated she saw that in A-1 zoning, a landfill is a conditional use, so she did not feel she could sign off on that permit until we had gone through this process.

Commissioner Suozzo wanted to clarify that this landfill would be governed by KDHE regulations and it was stated that was correct. Mr. Robinson stated that the director at KDHE will probably want to look at some of the same things that this Commission is looking at, such as public safety concerns, any proposed plans to redevelop, and the disposal capacity of any nearby permitted landfill. Ms. Savidge stated KDHE will definitely be looking at Nine-Mile Creek.

Commissioner Moreland asked if LCF has to have the city's approval before going forward to KDHE and the answer was "yes".

Chairman Schwanz stated that an earlier question had asked as to how this was going to be funded and said he assumed it's through the state of Kansas and Mr. Bustraan stated that was correct. Mr. Robinson stated there is no cost to the city.

Mr. Bustraan stated the other advantage to the city is that since the materials will be taken care of on-site, it will save on wear and tear on public roads.

Ms. Leif asked, in relation to the question about being able to see this landfill, how high this will go and Commissioner Suozzo stated that if he's reading it right, he believes it would have to follow somewhat the topography that's already there.

Mr. Robinson asked if there would be any crushers on-site to reuse much of this concrete or block to put it back in its aggregate to build a new facility and Mr. Bustraan stated the way they're doing this contract is very similar to a design build, which is due Friday, and he is not personally part of the contract action, so the recycling will be dependent upon the winning bidder, but it is possible.

Chairman Schwanz asked about dust control and Mr. Bustraan stated there is water in the area to apply to knock down dust. Chairman Schwanz asked if the dust becomes an issue, will there be a phone number publicized that residents could call if there's a problem and Mr. Bustraan said he's sure that can be done.

Mr. Robinson then asked Ms. Savidge if the city has any oversight over the state facilities property when they're building and she stated "no". Vice-Chairman Barry asked if he was understanding correctly that while this process is ongoing, the city has no oversight or jurisdiction until after the landfill is filled over and Ms. Savidge stated if there is a conditional use permit, that would grant her permission to check on that conditional permit as part of her job.

Mr. Harding stated that he would not anticipate a lot of odor coming from this landfill unless you had trash or something of that nature put in it, which is not supposed to be in there anyway. He also said you shouldn't see the hole as it will be blocked in most directions by LCF property. Mr. Bustraan said they don't want to have a big trash heap going on. Ms. Savidge said there are also guidelines pertaining to that which KDHE will make them follow.

Mr. Harding next addressed the concern about runoff, stating there is roughly a 50' difference in elevation between the top drive and the bottom drive, so it slopes off a little. He stated a concern he would have is that KDHE will make landfills put in monitoring wells to see if there is any underground flow that could migrate downhill to a body of water, but that would be up to KDHE and since he hasn't seen any plans yet, he doesn't know if that's part of the plan or not. Vice-Chairman Barry stated it sounds like KDHE will make the final determination of how big and how deep, etc.

Mr. Robinson asked Mr. Harding if he thought there would be anything in those materials that would rust and leach off and Mr. Harding said all those things will be addressed by KDHE, but there certainly will be metal in there. He also stated KDHE has a whole division to take care of these types of things, but believes the primary material will be concrete.

Chairman Schwanz then asked Ms. Leif if all the questions from residents had been answered. She stated she believed one of the questions was regarding the final decision about this and she stated the Planning Commission will make a recommendation to the City Council, which has the final decision. Mr. Robinson said residents are free to come to the Council meeting and express their concerns and ask questions, and that meeting will be October 5.

Mr. Braga stated he had one more question and asked, regarding noise, if this is going to be a 24/7 operation, and if the only access roads are going to be on LCF property. Mr. Bustraan showed on the map their access roads and security gates. As far as a 24/7 operation, Mr. Bustraan said he didn't think that would happen. Mr. Robinson said it would be a big expense to run three shifts and since they're talking about a three-year period, there doesn't seem to be a big rush to build this. Ms. Savidge said we also have an ordinance that could be put in as a condition that they can only work from 7 to 7.

Mr. Harding stated to the residents that if they had questions they would like addressed, he would suggest they email those to staff before the City Council meeting and Ms. Leif said she would include those in the packet that goes out to the City Council. Mr. Robinson said they are also free to send questions or comments to the Mayor or City Councilmembers as well. At this time, Ms. Leif stated she had thought of two more conditions, in addition to those listed in the agenda memo, that could potentially be added for this permit. She said those would be to add that the construction schedule must be 7:00 a.m. to 7:00 p.m., and that a copy of that

final KDHE submittal be submitted to the city for a chance to review. Mr. Robinson stated maybe a condition should be that they have to comply with our ordinances. Ms. Leif stated she believes that's covered in number 2 of the conditions in the agenda memo, which says "All federal, state, and local regulations shall be met and followed for the duration of the landfill's operation".

Chairman Schwanz asked why LCF and the state are requesting this permit instead of the contractor and Mr. Robinson said the statute requires it.

Commissioner Suozzo asks when this plan is submitted to KDHE for approval, is there a time for a public comment period and Mr. Robinson said he thought it was a good idea, but didn't know if that's something KDHE will do.

Vice-Chairman Barry said staff recommended the landfill shall cease operation and be filled and covered by December 31, 2021, but since that's a shorter timeframe than the five years for the conditional use, he asked why that was recommended. Ms. Leif stated she took that from the LCF application, which stated the projected date disposal would end would be October of 2021, so she just added a couple of months onto that date.

Chairman Schwanz then asked Commissioners to look at the checklist as a finding of fact. He stated he had a question on one of the items not marked "yes" or "no". At this time, Ms. Pippin stated she had one more question, which was if this permit isn't approved, where will material be dumped and it was stated no one knows, but it will have to be trucked somewhere.

The item on the checklist that Chairman Schwanz had a question about was "Adequate utility, drainage, and other such necessary facilities have been or will be provided" and Ms. Leif stated she didn't feel she had enough information to answer that "yes" or "no".

Chairman Schwanz asked for a motion to accept the checklist as a finding of fact for the conditional use permit for East Kansas Avenue. Commissioner Suozzo made a motion to accept the checklist, seconded by Commissioner Reyes. The motion passed, with Chairman Schwanz voting "no".

Chairman Schwanz then asked for a motion to recommend to the City Council approval, denial, or approval with conditions the conditional use permit for East Kansas Avenue. Commissioner Suozzo made a motion to recommend approval with the following conditions:

1. The conditional use permit is only valid if the State of Kansas Department of Health and Environment and other applicable state and federal permitting are approved.
2. All federal, state, and local regulations shall be met and followed for the duration of the landfill's operation.
3. The landfill is limited to construction and demolition waste only from projects on the Lansing Correctional Facility property. No other waste shall be deposited in the landfill, and the landfill shall not accept waste from other sites.
4. The landfill shall cease operation and be filled and covered by December 31, 2021.
5. A copy of all KDHE submittals would be sent to the city.

Commissioner Moreland wanted to clarify that the City Inspector would be able to go in at any time to inspect this landfill to make sure nothing was being put in there that wasn't supposed to be. Mr. Robinson stated since the approval states the condition that they must follow all local regulations, he doesn't know how it could be argued that the city of Lansing couldn't have access as it relates to this conditional use permit. Vice-Chairman Barry stated if access was denied, that could be a basis for pulling the conditional use permit and Mr. Robinson said that is something that could be argued against by the state.

Commissioner Reyes seconded the motion and it passed, with Vice-Chairman Barry voting "no".

Notices and Communications – Chairman Schwanz stated there is an upcoming training opportunity at the Kansas Chapter of the American Planning Association Annual Conference on October 19-20 in Salina, and if interested, be sure to let Stefanie know. She also wanted to remind everyone of the Volunteer Recognition Dinner being held on October 2, starting at 6:00 p.m. in the Community Center.

Reports – Commission and Staff Members – Commissioner Moreland asked about the UDO and Ms. Leif said the consultants are still working on some of the details, but hope to have a joint work session with the City Council and Planning Commission in the near future.

Chairman Schwanz then expressed his appreciation to Commissioner Reyes for his time and dedication to the city and the Planning Commission, as he has submitted his resignation from the Planning Commission.

Adjournment – Chairman Schwanz moved to adjourn, seconded by Commissioner Reyes and Commissioner Suozzo. The motion passed by acclamation and the meeting adjourned at 8:10 p.m.

Respectfully submitted,

Cynthia Tripp, secretary

Reviewed by,

Stefanie Leif, Community and Economic Development Director

CONDITIONAL USE CHECKLIST

Conditional Use Case No. CU-3

Date Filed: August 22, 2017

Date Advertised: August 29, 2017

Date Notices Sent: August 29, 2017

Public Hearing Date: September 20, 2017

I. Applicant's Name: Lansing Correctional Facility

Applicant's Authorized Agent: _____

II. Information in Application Correct? Yes ☒ No ☐

If no, explain: _____

III. Adjacent Zoning and Land Use:

| <u>Direction</u> | <u>Land Use</u> | <u>Zoning</u> |
|------------------|-----------------|---------------|
| North | | R-5 |
| South | | R-1 |
| East | | A-1 |
| West | | R-4 |

IV. Present Use of Property: correctional facility

V. Conditional Use Requested: solid waste disposal site in the A-1 zoning district

Excerpt from Lansing Zoning Ordinance, Article 9, Section 3:

VI. The proposed conditional use does or does not meet the standards:

A. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations, unless specifically exempted by the provisions of these regulations. The landfill will be approximately 2.5 acres in size.

Yes ☒ No ☐

B. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public. The final approval of the landfill will be from the State of Kansas Department of Health and Environment. One of the key reasons for LCF's desire to construct this landfill is to save costs. The demolition of approximately eight buildings on the property will generate over 200,000 cubic yards of demolition waste that would need to be trucked to an established construction and demolition landfill, which would increase the costs for the project. LCF desires to save money by establishing its own landfill on its property.

Yes ☒ No ☐

C. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located. Staff received several calls from property owners who received the notice of the

hearing. They asked questions about the plans and location, but at the time of this report staff did not receive either verbal or written objections to the proposal.

Yes ☒ No ☐

D. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to the location, nature, and height of buildings, structures, walls, and fences on the site; and the nature and extent of landscaping and screening on the site. The site is contained within the interior of LCF's property and is not immediately adjacent to a neighboring property.

Yes ☒ No ☐

E. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect. Since the waste will be disposed of on-site, no trucks hauling waste to and from the site will be on public roads.

Yes ☒ No ☐

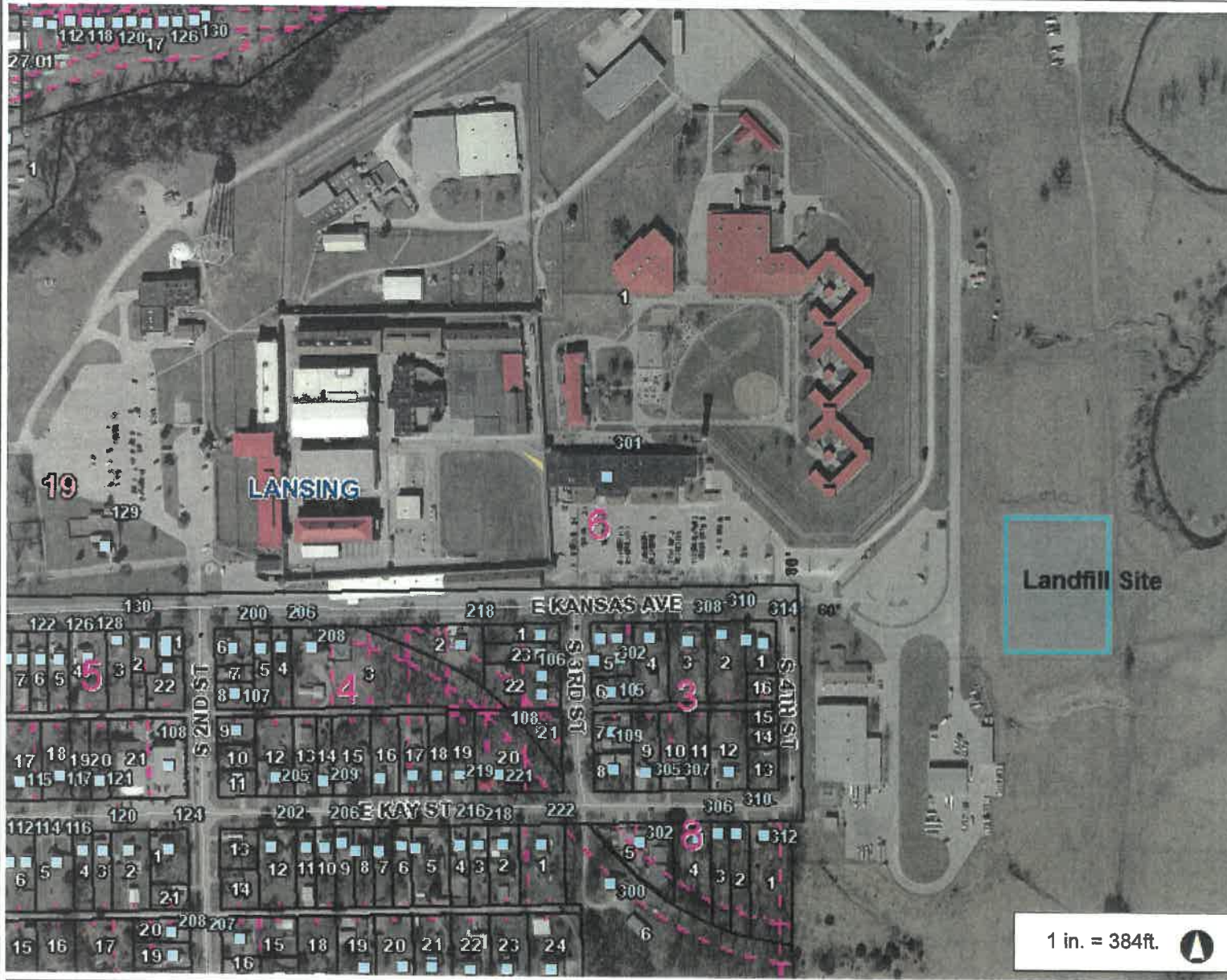
F. Adequate utility, drainage, and other such necessary facilities have been or will be provided. Not enough information submitted to analyze. Nine Mile Creek is just east of the site.

Yes ☐ No ☐

G. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys. Construction traffic from the demolition will be on public roads, but the waste disposed of on-site will be hauled internally within the property.

Yes ☒ No ☐

Leavenworth County, KS



Legend

- Address Point
- Parcel
- Parcel Number
- Subdivisions
- Lot Line
- Plat Block Number
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- Railroad
- Section
- Section Boundaries
- County Boundary

1 in. = 384ft.

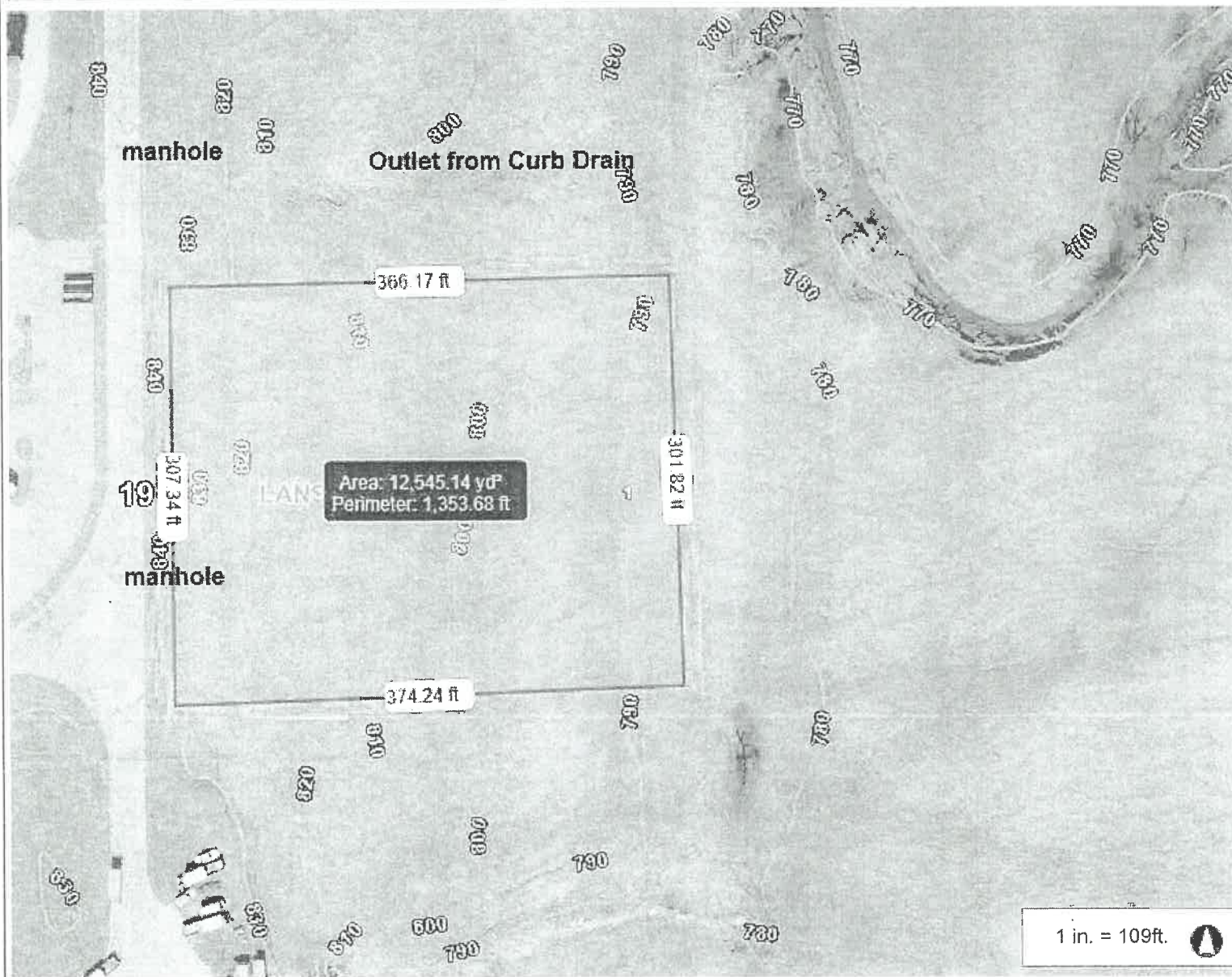


Notes

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Leavenworth County, KS



Legend

- Address Point
- Parcel
- Parcel Number
- Subdivisions
- Lot Line
- Plat Block Number
- Parcel Lot Dimension
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- Railroad
- Contour
- Section
- Section Boundaries
- County Boundary

Notes

216.9 0 108.46 216.9 Feet

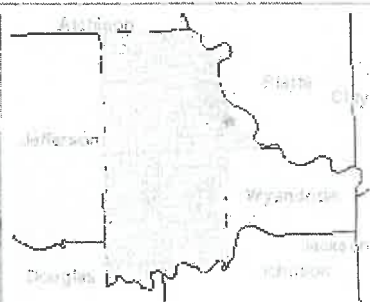
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Leavenworth County, KS



44-38861-1000

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

- ☐ Address Point
☐ Parcel
☐ Parcel Number
☐ Subdivisions
☒ Lot Line
☐ Plot Block Number
☒ City Limit Line
☐ Major Road
☐ Call Out Road View
☐ 70
☐ Road
☒ Railroad
☐ Section
☐ Section Boundaries
☐ County Boundary
☐ 2015 Flood Zones - Changes
☐ Floods 6-1
☐ Current
☐ Special Development District
☐ SDD Area 1
☐ SDD Area 2
☐ Zoning
☐ R-1
☐ R-2
☐ R-3
☐ L-1

Notes

THIS MAP IS NOT TO BE USED FOR NAVIGATION



K A N S A S

DEPARTMENT OF HEALTH AND ENVIRONMENT

**Application for On-Site or Nearby Disposal of Building Demolition Waste
Disposal of Solid Waste Without a Permit Authorized by K.S.A. 65-3407c(a)(3)**

Applicant Information

First Name NEIL Last Name BUSTRAAN

Company Name LANSING CORRECTIONAL FACILITY

Mailing Address 301 E KANSAS

City LANSING State KS Zip 66043

Phone (913) 727-3235 Fax _____

Disposal Information*

Type of waste BUILDING DEMOLITION

Amount of waste 200,000 CU.YDS.

How was waste generated? RAZING 8 STRUCTURES

Is this application the result of a violation or enforcement action by KDHE? yes _____ no X

Date disposal will begin OCTOBER 2017

Projected date disposal will end OCTOBER 2021

Disposal Site Information

County LEAVENWORTH 1/4 _____ 1/4 _____ Sec 19 Twp 09 Range 23

Property Owner LANSING CORRECTIONAL FACILITY

Location Address** 301 E. KANSAS

City LANSING State KS Zip 66043

Location Phone (913) 727-3235

I, KANSAS DEPARTMENT OF CORRECTIONS, the property owner, agree to allow this property to be used for this disposal purpose.

DIVISION OF ENVIRONMENT
Bureau of Waste Management

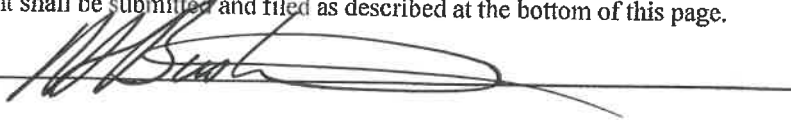
CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 320, TOPEKA, KS 66612-1366
Voice 785-296-1600 Fax 785-296-1592 [Http://www.kdheks.gov/waste](http://www.kdheks.gov/waste)

On-Site or Nearby Disposal of Building Demolition Waste
Page 2

Applicant agrees to the following:

1. Waste material shall be only demolition waste^{***} generated at or near the disposal site.
2. The disposal site must be covered with a minimum of two feet of soil and seeded, rocked, or paved.
3. The final grades for the disposal site shall be compatible with and not detract from appearance of adjacent properties.
4. A restrictive covenant shall be submitted and filed as described at the bottom of this page.

Applicant signature _____



(This section must be completed by the local governmental or zoning authority having jurisdiction over the disposal site prior to submitting this application to the Bureau of Waste Management.)

Approved by _____ Date _____
(local governmental or zoning authority)

Name _____ Position/Title _____
(printed)

Signature _____

Additional information to be submitted:

Please attach a sketch or aerial photo of the disposal site. The sketch or aerial photo should include the location of the structure to be buried, the proposed burial site, and any nearby landmarks such as other structures, streets, water features (creeks, streams, rivers), and access roads.

Once completed, return pages 1 and 2 and the site sketch or aerial photo to the Bureau of Waste Management. The applicant should not commence disposal activities unless/until written approval is issued from the Bureau of Waste Management.

Restrictive covenant:

The applicant shall submit a draft restrictive covenant for the site where waste will be disposed. A restrictive covenant form is available on the Bureau of Waste Management website (Form DS130). If the Bureau of Waste Management authorizes the requested disposal, the property owner shall be required to file the approved restricted covenant with the County Register of Deeds within 14 days following completion of the disposal activities, and a copy of the filed restrictive covenant shall be submitted to the Bureau of Waste Management within 30 days of filing.

*If demolition involves multiple houses or a public or commercial building there may be asbestos issues. Please contact the Bureau of Environmental Health at 785-296-1689 for further assistance.

**If the structure will be buried at a nearby location the items listed on page 2 of Technical Guidance Document (TGD) SW-2013-G1 must be submitted with this application. TGD SW-2013-G1 is available on the Bureau of Waste Management website.

***Waste must meet the definition of "construction and demolition waste". See Technical Guidance Document (TGD) SW-1994-G2 for additional information. TGD SW-1994-G2 is available on the Bureau of Waste Management website.

AGENDA ITEM

TO: Mayor; Lansing City Council
FROM: Tim Vandall, City Administrator
DATE: September 29, 2017
SUBJECT: Condemnation Resolution-DeSoto Road

Explanation: Although we have already approved a previous resolution and ordinance to allow condemnation of property for the DeSoto Road project, due to circumstances beyond the City's control, we need to add more names to the list as we have not received signed contracts. We are still negotiating and working to accommodate property owners.

Financial Considerations: The City has the funds available for land acquisition in Fund 70.

Policy Considerations: Although we are optimistic that we will come to an agreement with the remaining property owners, we need to move forward with condemnation on the listed properties. We cannot proceed with the DeSoto Road project unless all of the property is acquired, or, if the State has proof that we are moving forward with condemnation prior to the start of construction.

Action: Approve Resolution No. B-6-17 as presented.

RESOLUTION NO. B-6-17

A RESOLUTION PURSUANT TO K.S.A. 26-201 REGARDING CONDEMNATION OF PROPERTY FOR THE CONSTRUCTION OF A PUBLIC STREET AND ASSOCIATED DRAINAGE IMPROVEMENTS IN THE CITY OF LANSING, KANSAS.

WHEREAS, the City of Lansing, Kansas has undertaken the construction and improvement of Desoto Road, a public street, within the City, which also includes associated drainage improvements, all hereinafter referred to as the "Project"; and,

WHEREAS, 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,

WHEREAS, 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,

WHEREAS, 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 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; and,

WHEREAS, in order to complete the Project, it is necessary for the City to acquire certain property interests from certain property owners, as set forth below, hereinafter collectively referred to as the "Property", to-wit:

A.

NAME OF PROPERTY OWNERS: Virginia L. McQuillan, Trustee of the Virginia L. McQuillan Living Trust, dated January 15, 2016.

LEGAL DESCRIPTION OF PROPERTY:

Tract I: A permanent right of way easement over that part of Southeast Quarter of Section 23, Township 9 South, Range 22 East of the Sixth Principal Meridian, in Leavenworth County, Kansas described as follows:

Commencing at the Northeast Corner of said Southeast Quarter; thence S 01°19'57" E (assumed bearing) along the East line of said Southeast Quarter a distance of 1080.00 feet to the Northeast corner of a tract described in Book 598, Page 2115 recorded in the Office of the Register of Deeds of said County; thence S 88°40'03" W along the North line of said tract a distance of 50.00 feet to the Point of Beginning on the West right-of-way line of Desoto Road; thence S 01°19'57" E along said right-of-way line a distance of 322.15 feet; thence S 88°40'03" W a distance of 10.00 feet; thence N 01°19'57" W a distance of 322.15 feet to the North line of said tract; thence N 88°40'03" E along said North line a distance of 10.00 feet to the point of beginning. The above described contains 3221 square feet, more or less.

Tract II: A permanent right of way easement over that part of the Southeast Quarter of Section 23, Township 9 South, Range 22 East of the Sixth Principal Meridian, in Leavenworth County, Kansas described as follows:

Commencing at the Northeast Corner of said Southeast Quarter; thence S 01°19'57" E (assumed bearing) along the East line of said Southeast Quarter a distance of 920.00 feet to the Northeast corner of a tract described in Book 598, Page 2113 recorded in the Office of the Register of Deeds of said County; thence S 88°40'03" W along the North line of said tract a distance of 50.00 feet to the Point of Beginning on the West right-of-way line of Desoto Road; thence S 01°19'57" E along said right-of-way line a distance of 160.00 feet; thence S 88°40'03" W a distance of 10.00 feet; thence N 01°19'57" W a distance of 160.00 feet to the North line of said tract; thence N 88°40'03" E along said North line a distance of 10.00 feet to the point of beginning. The above described contains 1600 square feet, more or less.

Tract III: A permanent right of way easement over that part of the Southeast Quarter of Section 23, Township 9 South, Range 22 East of the Sixth Principal Meridian, in Leavenworth County, Kansas described as follows:

Commencing at the Northeast Corner of said Southeast Quarter; thence S 01°19'57" E (assumed bearing) along the East line of said Southeast Quarter a distance of 760.00 feet to the Northeast corner of a tract described in Book 598, Page 2111 recorded in the Office of the Register of Deeds of said County; thence S 88°40'03" W along the North line of said tract a distance of 50.00 feet to the Point of Beginning on the West right-of-way line of Desoto Road; thence S 01°19'57" E along said right-of-way line a distance of 160.00 feet; thence S 88°40'03" W a distance of 10.00 feet; thence N 01°19'57" W a distance of 160.00 feet to the North line of said tract; thence N 88°40'03" E along said North line a distance of 10.00 feet to the point of beginning. The above described contains 1600 square feet, more or less.

Tract IV: A permanent right of way easement over that part of the Southeast Quarter of Section 23, Township 9 South, Range 22 East of the Sixth Principal Meridian, in Leavenworth County, Kansas described as follows:

Commencing at the Northeast Corner of said Southeast Quarter; thence S 01°19'57" E (assumed bearing) along the East line of said Southeast Quarter a distance of 600.00 feet to the Northeast corner of a tract described in Book 598, Page 2109 recorded in the Office of the Register of Deeds of said County; thence S 88°40'03" W along the North line of said tract a distance of 50.00 feet to the Point of Beginning on the West right-of-way line of Desoto Road; thence S 01°19'57" E along said right-of-way line a distance of 160.00 feet; thence S 88°40'03" W a distance of 10.00 feet; thence N 01°19'57" W a distance of 160.00 feet to the North line of said tract; thence N 88°40'03" E along said North line a distance of 10.00 feet to the point of beginning. The above described contains 1600 square feet, more or less.

Tract V: A temporary easement over that part of the Southeast Quarter of Section 23, Township 9 South, Range 22 East of the Sixth Principal Meridian, in Leavenworth County, Kansas described as follows:

Commencing at the Northeast Corner of said Southeast Quarter; thence S 01°19'57" E (assumed bearing) along the East line of said Southeast Quarter a distance of 1080.00 feet to the Northeast corner of a tract described in Book 598, Page 2115 recorded in the Office of the Register of Deeds of said County; thence S 88°40'03" W along the North line of said tract a distance of 60.00 feet to the Point of Beginning; thence S 01°19'57" E a distance of 322.15 feet; thence S 88°40'03" W a distance of 5.00 feet; thence N 01°19'57" W a distance of 322.15 feet to the North line of said tract; thence N 88°40'03" E along said North line a distance of 5.00 feet to the point of beginning. The above described contains 1611 square feet, more or less.

Tract VI: A temporary easement over that part of the Southeast Quarter of Section 23, Township 9 South, Range 22 East of the Sixth Principal Meridian, in Leavenworth County, Kansas described as follows:

Commencing at the Northeast Corner of said Southeast Quarter; thence S 01°19'57" E (assumed bearing) along the East line of said Southeast Quarter a distance of 920.00 feet to the Northeast corner of a tract described in Book 598, Page 2113 recorded in the Office of the Register of Deeds of said County; thence S 88°40'03" W along the North line of said tract a distance of 60.00 feet to the Point of Beginning; thence S 01°19'57" E a distance of 160.00 feet; thence S 88°40'03" W a distance of 5.00 feet; thence N 01°19'57" W a distance of 160.00 feet to the North line of said tract; thence N 88°40'03" E along said North line a distance of 5.00 feet to the point of beginning. The above described contains 800 square feet, more or less.

Tract VII: A temporary easement over that part of the Southeast Quarter of Section 23, Township 9 South, Range 22 East of the Sixth Principal Meridian, in Leavenworth County, Kansas described as follows:

Commencing at the Northeast Corner of said Southeast Quarter; thence S 01°19'57" E (assumed bearing) along the East line of said Southeast Quarter a distance of 760.00 feet to the Northeast corner of a tract described in Book 598, Page 2111 recorded in the Office of the Register of Deeds of said County; thence S 88°40'03" W along the North line of said tract a distance of 60.00 feet to the Point of Beginning; thence S 01°19'57" E a distance of 160.00 feet; thence S 88°40'03" W a distance of 5.00 feet; thence N 01°19'57" W a distance of 160.00 feet to the

North line of said tract; thence N 88°40'03" E along said North line a distance of 5.00 feet to the point of beginning. The above described contains 800 square feet, more or less.

Tract VIII: A temporary easement over that part of the Southeast Quarter of Section 23, Township 9 South, Range 22 East of the Sixth Principal Meridian, in Leavenworth County, Kansas described as follows:

Commencing at the Northeast Corner of said Southeast Quarter; thence S 01°19'57" E (assumed bearing) along the East line of said Southeast Quarter a distance of 600.00 feet to the Northeast corner of a tract described in Book 598, Page 2109 recorded in the Office of the Register of Deeds of said County; thence S 88°40'03" W along the North line of said tract a distance of 60.00 feet to the Point of Beginning; thence S 01°19'57" E a distance of 160.00 feet; thence S 88°40'03" W a distance of 5.00 feet; thence N 01°19'57" W a distance of 160.00 feet to the North line of said tract; thence N 88°40'03" E along said North line a distance of 5.00 feet to the point of beginning. The above described contains 800 square feet, more or less.

Tract IX: A temporary easement over that part of the Southeast Quarter of Section 23, Township 9 South, Range 22 East of the Sixth Principal Meridian, in Leavenworth County, Kansas described as follows:

Commencing at the Northeast Corner of said Southeast Quarter; thence S 01°19'57" E (assumed bearing) along the East line of said Southeast Quarter a distance of 161.15 feet; thence S 88°40'03" W a distance of 50.00 feet to the Point of Beginning on the West right-of-way line of Desoto Road; thence N 77°17'46" W a distance of 20.62 feet; thence N 01°19'57" W a distance of 20.00 feet; thence N 62°06'09" E a distance of 22.36 feet to said West right-of-way line; thence S 01°19'57" E along said West right-of-way line a distance of 35.00 feet to the point of beginning. The above described contains 550 square feet, more or less.

ALSO,

That part of Southeast Quarter of Section 23, Township 9 South, Range 22 East of the Sixth Principal Meridian, in Leavenworth County, Kansas described as follows:

Commencing at the Northeast Corner of said Southeast Quarter; thence S 01°19'57" E (assumed bearing) along the East line of said Southeast Quarter a distance of 56.15 feet; thence S 88°40'03" W a distance of 50.00 feet to the Point of Beginning on the West right-of-way line of Desoto Road; thence N 59°19'37" W a distance of 28.30 feet; thence N 01°19'57" W a distance of 20.00 feet; thence N 66°02'52" E a distance of 26.00 feet to said West right-of-way line; thence S 01°19'57" E along said West right-of-way line a distance of 45.00 feet to the point of beginning. The above described contains 780 square feet, more or less.

B.

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.

WHEREAS, the City has been unable to negotiate the purchase of the necessary interests in the Property, and it is therefore necessary to exercise the City's power of eminent domain to acquire said interests.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Lansing, Kansas, that it is necessary to acquire interests in the Property for the purpose of completion of the Project, and it is necessary to acquire said interests by the exercise of eminent domain.

BE IT FURTHER RESOLVED, that Professional Engineering Consultants, P.A., professional engineers competent to conduct land surveys, acting as the City's agent, shall cause the Property to be surveyed, and shall file the survey and description with the City Clerk.

BE IT FURTHER RESOLVED, that this Resolution be published once in the official city newspaper.

**PASSED BY THE GOVERNING BODY OF THE CITY OF LANSING, KANSAS,
ON THIS 5th DAY OF OCTOBER, 2017.**

ATTEST:

SARAH BODENSTEINER,
City Clerk

MICHAEL W. SMITH,
Mayor