



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

COUNCIL AGENDA
Regular Meeting
Thursday, May 4, 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. Election of Council President
3. Room Rental Policy and Fee Schedule
4. Award of Bid – Lansing Activity Center Roof
5. Request to Advertise – Project 17-03: Ida Storm Water Erosion Control Project
6. Request for Conditional Use Permit – 707 Holiday Drive
7. Wastewater Rate Revisions

Reports:

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

Proclamations:

8. Municipal Clerks Week
9. Lansing Police Week

Other Items of Interest

Adjournment

AGENDA ITEM

TO: Tim Vandall, City Administrator

FROM: Sarah Bodensteiner, City Clerk

DATE: April 26, 2017

SUBJECT: Approval of Minutes

The regular meeting minutes for April 20, 2017, are enclosed for your review.

Action: Staff recommends a motion to approve the regular meeting minutes for April 20, 2017, as presented.

AGENDA ITEM #

Call To Order:

The regular meeting of the Lansing City Council was called to order by Mayor Mike Smith at 7:00 p.m.

Roll Call:

Mayor Mike Smith called the roll and indicated which councilmembers were in attendance.

Councilmembers Present:

Ward 1: Dave Trinkle and Gene Kirby
Ward 2: Andi Pawlowski and Don Studnicka
Ward 3: Jesse Garvey and Kerry Brungardt
Ward 4: Tony McNeill and Gregg Buehler

Councilmembers Absent:

OLD BUSINESS:

Approval of Minutes: Councilmember Kirby moved to approve the special meeting minutes and regular meeting minutes of April 6 2017, as presented. Councilmember Pawlowski seconded the motion. The motion was approved with Councilmembers Buehler and Brungardt abstaining from the vote.

Audience Participation: Mayor Smith called for audience participation and one resident came forward. Charley Shoemaker with the Leavenworth County Law Enforcement Group presented the City of Lansing with a check for one thousand dollars in order to complete the final stage of the Veterans Memorial at Bernard Park; which is lighting for the American flag. Mayor Smith accepted the check and thanked Mr. Shoemaker and the others involved for their contribution.

- City Administrator Tim Vandall advised that staff has been working on getting estimates in order to have lighting and installation done to ensure the flag is properly lit. He advised that Parks & Recreation Director Jason Crum received an estimate and it came in at ten thousand.

Presentation: Citizens' Academy Graduation: Mayor Smith presented the 2016-2017 Citizens' Academy class with their plaque of completion. The graduates are: April Pederson, Brenda Garvey, Crystal Swann Blackdeer, Everett B. Rogers III, Janna Hoffpauer, Jerry Gies, Jon Moss, Kathy Graves, Kaye Hackworth, Kenneth Elkins, Lisa Snodgrass, Peter Im, Steven Hoffpauer, and Terry Rogers.

DeSoto Road Land Acquisition Update: Jeff Hancock with SMH Consultants briefed the governing body on the status of the land acquisition progress for the DeSoto Road Project. Mr. Hancock advised that the process is moving along as anticipated and should be completed by end of June or early July. Mr. Hancock also advised the governing body that if they receive questions from landowners to refer them to him directly to handle.

Direction for Solid Waste Assessment Group (SWAG): Finance Director Beth Sanford requested feedback on what avenues to pursue and research for the solid waste assessment group. Upon direction from the Council, the solid waste assessment group will focus its research on the following options: Contract with a solid waste provider for services, contract with another city for solid waste service, and have the City provide its own solid waste service.

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Treasurer's Report for Quarter Ending March 31, 2017: Councilmember Brungardt moved to approve the Treasurer's Report for quarter ending March 31, 2017 as presented. Councilmember Buehler seconded the motion. The motion was unanimously approved.

Water Line to Bernard Park: Councilmember Brungardt moved to authorize the City Attorney and City Administrator to draft an agreement with Lan-Del stating the City will participate in costs of water line installation not to exceed ninety-five thousand dollars (\$95,000.00). Councilmember McNeill seconded the motion.

- Councilmember Kirby stated get it in.
- Councilmember Pawlowski stated it started out at forty-five thousand and we ended up at ninety-five thousand.
 - City Administrator Tim Vandall replied to clarify I think ninety-five is the high-end of what they would expect, so I think they just want to be sure if it's a little bit above their estimate we'd still be participating.
- Councilmember Buehler asked and this is taking it to the edge of the park right.
 - City Administrator Tim Vandall replied correct, just the edge of the park, it would not go inside the park.
- Councilmember Pawlowski stated when we first started talking about this it seemed to me that we were paying for the line and if somebody else hooked on at some point that we might get some of that back, is that the case.
 - City Administrator Tim Vandall responded I don't recall that, but what we'd spoken about with Lan-Del is all we would need out there was a four inch water line, and they want to run a bigger eight inch water line, so we would pay for the four inch and they would upsize it and they would pay the

difference. That is something we've spoken about with their engineer and with their foreman, but that's another one of those things that we'd put in the letter because we don't have that on paper yet.

- Councilmember Pawlowski asked and when they run it to the park will the put a fire hydrant out there do you know. I know they are going to put a meter.
 - City Administrator Tim Vandall replied I thought that was the plan but I would have to double-check.

The motion was unanimously approved.

REPORTS:

Department Heads: Wastewater Utility Director Tony Zell briefed the council on a potential wastewater project that has been identified through the Master Plan. He advised that there has been some development interest in an area of town that will serve the community in the near future, and advised that funds were built into the budget to handle a project of this size, and he is seeking interest from the Council on proceeding with design. The plans can be drawn up and could sit until such time that development would occur, or it could be built at the Council's discretion.

- Council direction was to move forward with finding an engineering firm to design the project.
 - City Administrator Tim Vandall advised that a more formal agenda item would be presented at a future meeting for the approval of an engineering firm.

City Attorney: City Attorney had nothing to report.

City Engineer: City Engineer Matt Harding provided an update for DeSoto Road. He advised that a meeting was had that discussed the amount of easements needed with Westar Energy and also requested a quote for placing the power line underground at the intersection of Eisenhower and DeSoto Road. Mr. Harding also advised that the lighting currently on DeSoto Road will remain roughly the same once the project is complete. If the Council wants updated lighting that would be a separate component and negotiation with Westar.

City Administrator: City Administrator Tim Vandall discussed the transient guest tax topic that was discussed at a previous work session. He advised that the City currently levies seven percent and rebates back two percent for existing hotels to upgrade items. He discussed the possibility of changing the amount the City rebates back from two percent to one percent. Tim also mentioned that the research he did showed that while other cities offer this type of rebate, but they have a cutoff date, for example they only rebate the percentage back for five years. Tim will follow up with more information from other cities and look into revising the current practice to incorporate a cutoff date for the rebated funds, or other options. Tim also discussed the wastewater rate increase that is scheduled to take place on June 1 Utility Billing and advised that he and Finance Director Beth Sanford are looking at the numbers to see if the full increase is needed. They will provide further information with numbers in order to review options with the Council.

Governing Body: Councilmember Buehler congratulated the graduates of Citizens' Academy, encouraged them to volunteer within the City, and provided a fun fact; on this day in 1916 the Cubs played their first game at what is now called Wrigley Field, defeating the Cincinnati Reds 7 to 6.

Councilmember McNeill congratulated the graduates and expressed his hopes they would volunteer for positions, groups, committees, etc., within the City.

Councilmember Brungardt echoed the sentiments of his fellow Councilmembers regarding the graduates.

Councilmember Studnicka congratulated the graduates of Citizen's Academy and expressed his thoughts on the discussion of potentially changing the wastewater rates in June. Mr. Studnicka feels that the rates should remain as proposed and should not be changed.

Councilmember Trinkle congratulated the graduates and reminded everyone that the spring clean-up ends on April 30th.

Councilmember Kirby thanked the graduates and advised that two of the graduates are current City volunteers.

Councilmember Pawlowski congratulated the graduates and asked City Clerk Sarah Bodensteiner to talk about the household hazardous waste event on Saturday, April 22.

- City Clerk Sarah Bodensteiner advised that the event is from 8:00 a.m. to Noon at City Hall and items such as pesticides, herbicides, paint, paint thinner will be collected at no charge. She also mentioned that household hazardous waste items can be dropped off at the County Transfer Station any time of year at no cost.

Councilmember Pawlowski advised that this is the first year we changed the clean-up process and we are looking for feedback if people liked the change or not. She also reminded everyone that the sales tax question is coming up and asked when ballots for the sales tax election will be mailed out.

- City Administrator Tim Vandall replied that they will be mailed out the last week of April into early May.

Councilmember Garvey congratulated the graduates for participating and their hard work, and encouraged everyone to vote yes on the sales tax issue.



ADJOURNMENT: Councilmember Garvey moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was approved with Councilmember Garvey voting against the motion. The meeting was adjourned at 7:55 p.m.

ATTEST:

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk

AGENDA ITEM



TO: Tim Vandall, City Administrator 
FROM: Sarah Bodensteiner, City Clerk 
DATE: April 27, 2017
SUBJECT: Election of Council President

Section 1-204 of the Code of the City of Lansing states the Governing Body shall elect one of its own bodies as President of the Council at the first meeting in May. The President of the Council shall preside at all meetings of the Council in the absence of the Mayor. In the absence of both the Mayor and the President of the Council, the Governing Body shall elect one of its members as "Acting President of the Governing Body." The President or Acting President, when occupying the place of Mayor, shall have the same privileges as other Councilmembers but shall exercise no vetoing powers

Councilmember Andi Pawlowski is the current President of the Council.

Action: A motion to nominate a member of the Council as President of the Council.

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Sarah Bodensteiner, City Clerk 
DATE: May 1, 2017
SUBJECT: Room Rental Policy and Fee Schedule

Changes to the Room Rental Policy and Fee Schedule were discussed at the March 30, 2017 Work Session. Changes have been incorporated into the policy and fee schedule.

One addition was made to the policy after the work session and included in item 7b, which reads that when a fee waiver is granted by the City Administrator, the applicant will be required to pay the set-up fee and deposit fee for the event.

Policy Consideration: If passed and approved, this policy and fee schedule would take effect on July 1, 2017, allowing staff time to inform the public of the changes to the policy and fee schedule.

Financial Consideration: The changes to the Activity Center Deposit Fee amounts were proposed to make the amounts consistent and proportionate to the room being rented. The proposed increases to the Room Rental Fees for the Community Center are to better cover the cost of expenses for operating/maintaining the space. Expenditures and Revenues for both the Activity Center and Community Center are to be found on pages one and two of the General Fund tab in the 2017 Annual Program of Services Budget Book.

Action: Staff recommends a motion to approve the Room Rental Policy and Fee Schedule with an effective date of July 1, 2017.



CITY OF LANSING ROOM RENTAL POLICY

The City of Lansing is pleased to make available the use of the Lansing Community Center and the Lansing Activity Center to individuals and groups for authorized uses. In order to preserve the facility and ensure its upkeep the following policy shall be observed.

- 1) The City of Lansing reserves the right to access all areas used during an applicant's reservation.
- 2) City and County emergency events are a priority and any rental agreement may be cancelled and refunded or rescheduled at the discretion of the staff.
- 3) **City Events and maintenance will take precedence over rentals. These may be reserved and held at any time and may require consecutive weekday or weekends.**
- 4) The City reserves the right to cancel any event in which untrue information was given and/or if the event is found detrimental to the health, safety, and/or welfare of the citizens or integrity of the facilities. No refunds will be issued.
- 5) In the event of severe weather, the facility may be used as a shelter for the community. The applicant will be issued a refund of all fees if this occurs.
- 6) All individuals or groups must complete an application, provided by the city staff, prior to use. The applicant must be twenty-one (21) years of age or older. The application will serve as a reservation and must be made during the **hours of 8:00 a.m. and 4:30 p.m. Monday through Friday**. Applications for the Community Center may be obtained from the City Clerk, Lansing City Hall, 800 First Terrace, Lansing, Kansas, 66043, (913) 727-3036 or at the City's website, www.lansing.ks.us. Applications for the Activity Center may be obtained from Parks and Recreation, Lansing Activity Center, 108 South Second, Lansing, Kansas, 66043, (913) 727-2960 or at the City's website, www.lansing.ks.us.
- 7) Reservations may be made up to 12 months in advance. Requests for a year in advance will be accepted on the first working day of the month for the same month of the next year (Example: On January 1, 2009 reservations will be accepted for any day of January, 2010). Exceptions must be approved by the City Council. No group or individual may reserve any room or area for more than four consecutive weekends (weekends are Saturdays and Sundays). Reservations will be booked on a first come first served basis, and dates will not be held or tentatively booked until all applicable fees are paid. At the time of reservation, the appropriate hourly rental fee, the set-up fee (if applicable), and the cleaning/damage deposit must be paid (see facility request application). A new rental agreement and deposit will be required for all new reservations.
 - a) The City Administrator is authorized to waive fees for the Activity Center. When a fee waiver is authorized, the applicant will be required to pay the deposit fee for the event.
 - b) **The City Administrator is authorized to waive hourly fees for the Community Center for groups that directly support the City of Lansing, i.e. The Friends of the Lansing Library or The Lansing Historical Society, for events that are solely for fundraiser activities. When a fee waiver is authorized, the applicant will be required to pay the set-up fee and deposit fee for the event.**
- 8) Only the applicant may make changes to the rental agreement and pick up the key for their event. The applicant may delegate one additional responsible party in writing on the reservation form to pick up the key for the event or make changes to the agreement. Reservations cannot be transferred or sublet. The applicant or responsible party may be asked to show the rental agreement and/or a state issued photo ID at the time the key is picked up.

- 9) Changes to the set-up, hours of event, or room selection must be made at least two full business days prior to the event to ensure staff availability.
- 10) The applicant or their delegate must be present at the facility during the entire rental time. The only exception is if the facility is used for a wedding reception and the bride or groom is the applicant.
- 11) Cleaning/damage deposits shall be held or deposited until the facility has been inspected by City staff after an applicant's function. Checks must be in the applicant's name. The facility will be inspected for damage and compliance to cleaning requirements. The full deposit or portion thereof may be retained if:
 - a) The facility is damaged or does not meet the cleaning requirements;
 - b) The key is not returned after each event;
 - c) The facility is left unlocked;
 - d) There is a violation of this Room Rental Policy.

The forfeit of this cleaning/damage deposit does not absolve applicants of any additional charges assessed by the City for damage, cleaning, and/or rekeying expenses beyond the cost of the deposit. Applicants are responsible for any and all damage incurred during their function.

- 12) The Lansing Community Center and Lansing Activity Center will be available from 7:00 a.m. to 1:00 a.m. daily unless an exception is granted by the City Council. The City of Lansing reserves the right to deny use to any individual or group whose intended use conflicts with this policy or interferes with the daily operation of the City.
 - a) Community Center applicants will receive **one (1)** complimentary hour immediately prior to the reservation time for set-up and decoration, and will receive one (1) complimentary hour immediately following the reservation time for clean-up purposes. Reservations will be made in one hour increments with a minimum reservation of one (1) hour, and a maximum reservation of seventeen (17) hours. Minimum and maximum reservation times do not include complimentary hours.
 - b) Activity Center applicants will be granted up to **one (1)** complimentary hour for set-up and decoration, and up to one complimentary hour for clean-up upon request and depending on availability.
 - c) Applicants may not enter the facility, decorate rooms or store any items at the facility prior to the requested reservation time including complimentary hours. If an applicant is found to have arrived earlier or remained beyond the reservation time including complimentary hours, additional charges to cover the hourly fees will be deducted from the deposit, or if the fees are in excess of the deposit, the applicant will be charged accordingly.
- 13) Alcohol is not permitted at the Activity Center. Alcohol and set ups at the Community Center cannot be sold unless a temporary alcohol permit or temporary cereal malt beverage permit is granted according to Lansing City Code Chapter 3: Beverages. If alcohol is served or consumed and attendance is greater than 50 attendees, the applicant will be required to pay an off duty

Lansing police officer \$35.00 per hour from the time alcohol is served or consumed until the end of the rental. Payment must be made directly to the officer and is due no later than the beginning of the event. If alcohol is served or consumed at the Community Center without security on the premises during the event and attendance is greater than 50 attendees, the applicant will forfeit the security deposit. Any events with alcoholic beverages must comply with all state and local ordinances, licenses, and laws. Any violations will require the party to stop serving all alcohol immediately and will result in the forfeiture of any and all deposits and fees. The City Clerk may require additional security depending on the type of event.

- 14) The Activity Center Gym is available for rental primarily for basketball use. Other activities where balls or other items are thrown, kicked, struck or hit with bats or other items are not allowed in the gym. Activities that will not damage the lights, windows and floor, like walking/jogging and aerobics may be considered. Remote control cars, planes, helicopters, drones, etc. may not be used in the gym. Tables or chair will not be set up in the gym except for City events.
- 15) Any youth function shall have a minimum of one adult per twenty (20) minors. Events found without proper supervision will be terminated, and asked to leave the premises. No refunds will be issued.
- 16) If staff determines that an event may be reaching a point of disorder that could result in injury or facility damage, the event will be terminated, and no refunds will be issued.
- 17) Tobacco products and illegal substances are prohibited everywhere in the facility by state law and city policy. Tobacco products are also prohibited within 50 feet of the entrance of the facility. The applicant is responsible for the enforcement of this prohibition.
- 18) To be eligible for Lansing resident rates, the applicant must reside in Lansing city limits, and must show a state issued photo ID with the current Lansing residence, or show proof of ownership of a property within the city limits of Lansing.
- 19) All cancellations must be made by the original applicant in writing. Any cancellation less than two weeks prior to the applicant's function will result in forfeiture of all rental fees.
- 20) A \$25.00 set-up fee will be charged for each reservation in addition to the hourly fees and deposit. The set-up fee includes the set-up of chairs, tables, and equipment indicated on the application. Facility chairs, tables or other equipment are available for use within the building only.
 - a) The Activity Center does not charge a \$25.00 set-up fee.
- 21) No staples, nails, tacks, or adhesives of any kind may be used on the walls or ceiling. No birdseed, rice, or other loose material may be thrown inside the building or upon the grounds. No loose glitter, sequins, or confetti may be used for decoration. There will be a \$25.00 penalty if these items are used plus charges assessed to remedy any damage caused by such items.
- 22) Compliance with the International Fire Code as adopted by the City is required when using candles. Candles must be enclosed in a glass candle holder. No tapered candles are allowed.

- 23) The City of Lansing is not responsible for any accidents, injury, illness, or loss resulting from items applicants bring to the facility or grounds, and will not be held responsible for any items that may be lost, stolen, or damaged. The City may require, at staff discretion, proof of insurance coverage at a City approved rate.
- 24) Applicants shall not store any belongings at the Activity Center or Community Center. Any belongings found after an event will be held in the Lost and Found for a period of 30 days. Items left in the Lost in Found for more than thirty days will be turned over to the Chief of Police as required by Chapter 13 Article 2 of the City Code.
- 25) City staff cannot sign for any items delivered to the Community Center or Activity Center for use by an applicant.
- 26) Gambling is prohibited. Gambling is defined as “making a bet dependent upon chance, where one stands to win or lose something of value.” Donation-based events to raise funds for charitable or civic organizations are allowed.
- 27) City staff reserves the right to deny renting the Community Center or Activity Center to any applicant that has been found in violation of this policy and/or any applicant that has not paid fees required by this policy.
- 28) All activities must comply with the noise ordinance.
- 29) This policy will be reviewed annually.
- 30) Any exception to the Room Rental Policy requires City Council approval.
- 31) **The Room Rental Policy will take effect on July 1, 2017.**

Passed and approved this 4th day of May 2017.

Timothy S. Vandall, City Administrator

ATTEST:

Sarah Bodensteiner, City Clerk

Fee Schedule



Activity Center

Available Rooms	Cleaning/Damage Deposit	Lansing Resident	Non-Resident
Classroom	\$75.00	\$5.00 per hour	\$15.00 per hour
Gymnasium	\$150.00	\$15.00 per hour	\$30.00 per hour

Community Center

Rooms Available	Set-up Fee	Cleaning/Damage Deposit	Lansing Resident or Lansing Business	Non-Resident	Civic Organization (501c Status-proof required)
Room 1 or 2 (no kitchen access)	\$25.00	\$75.00	\$20.00 per hour	\$35.00 per hour	\$10.00 per hour
Room 2 with Kitchen	\$25.00	\$75.00	\$25.00 per hour	\$45.00 per hour	\$15.00 per hour
Both Rooms with Kitchen	\$50.00	\$75.00	\$30.00 per hour	\$50.00 per hour	\$20.00 per hour

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Jason Crum, Parks and Recreation Director 
DATE: April 27, 2017
SUBJECT: Request to approve roofing of the Lansing Activity Center

The Parks and Recreation Department advertised for bids in the Leavenworth Times according to the purchasing policy for the roofing of four sections of flat roof at the Lansing Activity Center. The following bids were received:

Midwest Coating Inc. \$31,079.87

American Roofing Inc. \$31,737.00 plus \$4,000.00 for a total of \$35,737.00

Both of the companies meet the requirement to provide a twenty year warranty, however, American Roofing requires the addition of cast iron roof drains in order to provide the warranty.

Financial Consideration:

These items are a City Council approved capital and supplemental item for 2017. City Council approved \$35,000.00 for the replacement of the roof in the 2017 budget process.

Policy Consideration: N/A

Action: Staff recommends a motion to approve the replacement of the Activity Center flat roofs by Midwest Coatings Inc. for \$31,079.87 from account number 23-030-43301 Special Parks and Recreation Acquisition.



CITY OF LANSING, KANSAS Activity Center Roofing Bid NOTICE TO CONTRACTORS

Notice is hereby given that sealed proposals for the performance of the above noted project will be received at the office of the Lansing City Clerk, 800 1st Terrace, Lansing, Kansas, 66043, until 1:00 p.m., April 19, 2017.

PROJECT

Roofing of four (4) flat roof sections located at the Lansing Activity Center (108 S. 2nd Street) in the city of Lansing, Kansas.

SCOPE OF WORK

Item 1: Remove and dispose of loose gravel on existing tar and gravel roofs. Remove and dispose of any other roofing materials, unneeded flashing, debris, etc. required to prepare the area for the new roof system. Materials that will not cause future issues with the new roof system and can be left under the new roof system need not be removed.

Item 2: Install and mechanically fasten ½" Densdeck or similar approved product over all 4 roof areas per manufacturer's instructions.

Item 3: Install pressure treated 2x4s around perimeter as needed on roofs with tar and gravel. The membrane must go up and over parapet.

Item 4: Install non-EPDM white membrane, minimum 50 mil according to manufacturer's instructions on the three tar and gravel roofs. Install membrane up and over any and all parapet walls. Install non-EPDM white membrane, minimum 50 mil according to manufacturer's instructions on the section of roof between the original (east) building and the gymnasium. The membrane must be attached to the walls and perimeter according to the manufacturer's specifications.

Item 5: Install 2 piece metal snap termination as specified by the manufacturer where necessary.

Item 6: Install custom made or prefabricated flashings on all roof penetrations.

* Please include in your bid any other item not included in this list required to make this a functional roofing system.

** Please include any additional materials or services that will enhance this roof system and benefit the City. Please bid these alternatives with a separate price that may be added to the base price if selected.

TERMS AND CONDITIONS OF BID

- All standard and technical specifications and adopted codes of the City of Lansing are applicable.
- Contractor shall be responsible for making the job environment safe for contractors, city employees and the patrons of the facility.
- All Worker's Compensation Insurance and Public Liability Insurance requirements are applicable.
- This project is sales tax exempt
- Upon signing of contract, and completion of paperwork, all work shall be completed according to contract within ninety (90) days.
- Certification from the roofing system manufacturer that installer is approved, authorized or licensed by manufacturer to install roofing system must be provided.
- Contractor shall have and provide a copy of a valid roofing contractor registration certificate through the State of Kansas Attorney General's Office.
- The contractor must have a City of Lansing occupational license.
- The contractor must apply for a permit through the City of Lansing Community Development Department.

WARRANTY SPECIFICATIONS

Contractor's Warranty: The contractor shall warrant the roof application with respect to workmanship and proper application for two (2) years from the effective date of the warranty issued by the manufacturer.

Manufacturer's Warranty: The warranty will provide for completion of repairs, replacement of membrane or total replacement of the roofing system at the then-current material and labor prices throughout the life of the warranty. In addition, the warranty meets the following criteria:

- Warranty period will be twenty (20) years from the date issued by the manufacturer.
- There are no exclusions for incidental or consequential damages.
- There are no exclusions for damage caused by ponding water.
- There are no exclusions for damage caused by biological growth.
- The warranty will be issued direct from and serviced by the roof membrane manufacturer.
- The warranty is transferrable for the full term of the warranty.
- There is no additional charge for the warranty.

INSTRUCTIONS TO CONTRACTORS:

All bids are submitted to the office of the City Clerk, 800 First Terrace, Lansing, Kansas. Proposals shall be submitted in sealed envelopes, addressed to the office of the City Clerk, upon which is clearly written or printed "Proposal for City of Lansing, Activity Center Roofing Bid" and the name and address of the bidder. Any bids received after the closing time will be returned unopened. Access to the roof for inspection prior to the deadline may be made available by appointment to interested contractors. Please contact the Parks & Recreation office at 913-727-2960 or parks@lansing.ks.us to set up an appointment.

NOTICE TO CONTRACTORS:

The City of Lansing, Kansas, reserves the right to reject any or all bids and to waive technicalities, and to award the contract to the bidder that the City deems best suited to accomplish the work.

The City of Lansing assures that no person shall on the grounds of race, color, national origin, sex, disability, age or low income status as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The City of Lansing further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.



American Roofing Inc.

2500 South Second Street
Leavenworth, Kansas 66048

Phone # 913-772-1776

Fax # 913-682-4423

April 19, 2017

**City of Lansing Kansas
Roofing Bid
Activity Center**

American Roofing Inc. offers the following :

Re-Roof four sections of the Activity center per scope of work described using Firestone Building Products 60 mill Fully adhered TPO roof membrane.

Base Bid: \$ 31,737.00

Note; Real roof Drains with clamping rings will be needed to get a 20 year Manufacturers Warranty . These were not specified but will be needed>

Please add the sum of \$ 4000.00 to install five new 3 inch cast iron roof drains

Provide the owners with a 20 year Roof Warranty as requested

Base bid	\$31,737.00
Add 5 new roof drains.....	<u>\$ 4,000.00</u>
	\$ 35,737.00

Please call with any questions

Thank you, Tom Roemer

Tom Roemer



phone: (785) 232-4276
fax: (785) 232-2856
3830 NW 16th
Topeka, KS 66618
MidwestCoating.us

PROPOSAL - # 2017-DAM49

Midwest Coating, Inc. (MWC)
3830 NW 16th St
Topeka, KS 66618
Ph #:785-232-4276
Fax #:785-232-2856

Work To Be Performed for:

City of Lansing
Activity Center
108 So. 2nd. St.
Lansing, KS 66043

We hereby propose to furnish the materials and perform the labor necessary for the completion of a 50 mil white Duro Tuff roof system to be installed on four flat roofs at 108 So. 2nd St. Lansing, KS (Lansing Activity Center) – approximately 3,938 sq. ft. of material. The work will include the following:

- * Prepare jobsite and surrounding area for installation of the Duro Tuff Roofing System.
- * Install .5" densdeck over all 4 roofs.
- * Install pressure treated 2x4s around perimeter on roofs with tar.
- * Install new 50 mil white mechanically fastened Duro Tuff roofing system in accordance to manufacturer's specifications.
- * Install roofing membrane up and/or over parapet walls with edge detail as shown for 2 piece snap.
- * Install Duro Last 2 two-way roof vents to allow moisture to escape and provide maximum protection against wind up-lift.
- * Install custom made and/or prefabricated flashings over all roof penetrations.
- * Owner is responsible for calibrating satellite receiver or antenna after roof is completed.
- * MWC does not guarantee ponding water will be completely eliminated when using a tapered insulation system.

A 20-year warranty on material and labor, furnished by the manufacturer will be provided.

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of:

Duro Tuff Roof	\$31,079.87
Tax	
Total	<u>\$31,079.87</u>



**City of Lansing Activities Center
PROPOSAL - # 2017-DAM49**

\$31,079.87

Payments to be made as follows:

A finance charge of 1.5% per month (18% per annum) will be charged to past due accounts.

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. Because abnormal moisture conditions of the roof resulting from previous moisture migration have been observed, it is agreed Midwest Coating, Inc. shall not be liable for deterioration or leaking of the roof, building damage or for personal injury which may result from such pre-existing condition. All agreements contingent on strikes, accidents or delays are beyond our control. Owner shall purchase and maintain builders risk or other property and liability insurance to protect his own investment. Midwest Coating, Inc. shall purchase and maintain such commercial General Liability, Workers Compensation and other insurance as is appropriate for the project, whether it is to be performed or furnished by Midwest Coating, Inc., by any direct sub-contractor, or by anyone directly or indirectly employed by Midwest Coating, Inc.

Respectfully Submitted by:

Note: This proposal may be withdrawn by us if not accepted within 15 days.

Randy D. Morris - President
Midwest Coating, Inc.

Wednesday, March 19, 2017

Date

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date: _____

Signature: _____



525 Morley Drive
Saginaw, Michigan 48601
(989) 753-6486
(800) 248-0280
FAX (989) 753-4472
FAX (800) 432-9331
www.duro-last.com

March 24, 2009

To Whom It May Concern:

I am pleased to inform you that Midwest Coating of Topeka, Kansas has been an authorized dealer/contractor for Duro-Last Roofing, Inc. since December of 1981. Midwest Coating is a very experienced Duro-Last contractor, having installed over 11,000,000 square feet of membrane.

Midwest Coating is among our top contractors who have received Duro-Last's highest honors for quality of installation of our roof systems. They have achieved the honor of "Master Contractor" by providing high quality installations. They have also attained the honor of being an "Elite Master Contractor" for providing high level installations for a minimum of 3 consecutive years.

We are proud to have Midwest Coating as a member of the Duro-Last Dealer/contractor network.

If you have any questions or should need any further information, please contact me at our Michigan office.

Sincerely,

A handwritten signature in cursive script that reads 'James W. Miller'.

James W. Miller
Regional Sales Manager
Duro-Last Roofing, Inc.

Other Locations: Grants Pass, Oregon – Jackson, Mississippi – Sigourney, Iowa



525 Morley Drive
Saginaw, MI 48601

20-Year NDL Warranty

Warranty No. _____

I. TERMS AND CONDITIONS

Duro-Last, Inc., ("Duro-Last") grants this No-Dollar Limit ("NDL") Warranty to the owner ("Owner") of a building containing a Duro-Last Roofing System ("Duro-Last System") installed by an authorized dealer/contractor ("Contractor"), subject to the terms and conditions and limitations contained herein.

Duro-Last's obligation during the 1st through 20th year shall be to repair any leak in the Duro-Last System caused by any defect in a component of the Duro-Last System or by the workmanship of the Contractor, but only as the workmanship relates to the installation of the Duro-Last System itself and not as it relates to other work performed, if any. Duro-Last's obligation includes, at Duro-Last's discretion, either the repair or replacement of part or all of the Duro-Last System, and also includes the furnishing of cost of labor to repair the Duro-Last System provided the following conditions are met:

- A. Duro-Last and Contractor have been paid in full for the Duro-Last System, its installation and any outstanding invoices issued by Duro-Last that arise after the installation;
- B. The Duro-Last System has been approved by Duro-Last following inspection by an authorized Duro-Last Quality Assurance Technical Representative ("Duro-Last QA Tech Rep"), this No-Dollar Limit Warranty has been signed by a Duro-Last QA Tech Rep or Quality Assurance Manager, and the Contractor confirms that the Duro-Last System was installed in accordance with Duro-Last's specifications and written installation requirements;
- C. The Owner has notified Duro-Last within 14 days of the discovery of any leak, failure or other alleged Duro-Last System defect. Owner must notify Duro-Last by calling the Duro-Last Quality Assurance Department at 1-866-284-9424, by e-mailing ws@duro-last.com, or by certified mail, return receipt requested;
- D. The Owner allows Duro-Last's QA Tech Rep(s) and/or Duro-Last Contractor(s) access to the roof including, if necessary, the removal and replacement by Owner at Owner's expense any and all obstructions, including but not limited to: rooftop gardens, earth, soil, pavers, decks, patio and walking surface materials, photovoltaic system, and other overburden; and
- E. Duro-Last authorizes the repair and, at Duro-Last's option, either Duro-Last's QA Tech Rep(s) or an authorized Contractor makes the repair.

II. OWNER'S RESPONSIBILITIES

The Owner is not entitled to recover under this No-Dollar Limit Warranty unless Owner exercises reasonable and diligent care in the maintenance of the Duro-Last System, including but not limited to inspecting and maintaining the Duro-Last System regularly and as needed, including after storms or natural disasters, and for removing any debris from the Duro-Last System, rooftop, and adjacent areas, and maintaining and keeping all drains in working order and clear of debris and other obstructions.

III. LIMITATIONS and EXCLUSIONS

- A. This No-Dollar Limit Warranty does not apply to a Duro-Last System installed on a single-family residence.
- B. Duro-Last shall not be liable for damages arising from defects in the design or construction of the building or roof assembly aside from the Duro-Last System, including but not limited to those defects that result in water penetrating into the building, including inadequate or insufficient drainage.
- C. Duro-Last is not liable for any Duro-Last System failure nor for subsequent damages arising from Acts of God or causes outside Duro-Last's control including, but not limited to:
 - 1) Damage caused by fire, lightning, hurricane, gale, hail, tornado, flood, earthquake, animals, insects; or
 - 2) Damage caused by accident, vandalism, intentional act, negligence or failure to use reasonable care, whether on the part of the Owner or another; or
 - 3) Damage caused by any unauthorized modification to the Duro-Last System including, but not limited to, damage caused by unauthorized components used in installation or repair, by additional equipment or structures added to or made a part of the roof, by traffic, or by chemicals not normally found in nature or the like; or
 - 4) Interior condensation and/or moisture entering the Duro-Last System through walls, copings, structural defects, HVAC systems, or any part of the building structure, including from adjacent buildings.
- D. Duro-Last does not warrant the watertightness of metal products that are located outside of the termination of the Duro-Last membrane.
- E. Duro-Last does not warrant against color change and/or pattern change and/or print change in the Duro-Last System.
- F. This No-Dollar Limit Warranty is transferable to subsequent Owners only upon the express written authority of Duro-Last and at Duro-Last's sole discretion. Duro-Last reserves the right to require an inspection of the Duro-Last System prior to transfer of this No-Dollar Limit Warranty. The Owner (undersigned below) must pay a \$500 warranty transfer fee and must pay for any non-warranted repairs identified by Duro-Last during any pre-transfer inspection. A transfer of this No-Dollar Limit Warranty shall not be effective unless all outstanding Duro-Last invoices have been satisfied.
- G. This No-Dollar Limit Warranty must be signed by a Duro-Last QA Tech Rep or Quality Assurance Manager. Coverage under the terms of this No-Dollar Limit Warranty begins on the Effective Date. The Effective Date is determined by Duro-Last. Failure of the Owner or Contractor to sign this No-Dollar Limit Warranty does not alter the Effective Date.
- H. This No-Dollar Limit Warranty shall be governed by the laws of the State of Michigan. Duro-Last and Owner hereby agree that the Circuit Court for the County of Saginaw, State of Michigan, shall have the exclusive jurisdiction to determine any and all disputes, or claims relating to this No-Dollar Limit Warranty and do hereby submit themselves to the sole personal jurisdiction of that Court.
- I. Duro-Last does not waive any rights under this No-Dollar Limit Warranty by refraining from exercising its rights in full in one or more instances.

OVER: CONTINUED ON BACK

DURO-LAST® OFFERS COMMERCIAL ROOFTOP WARRANTIES THAT SET THE INDUSTRY STANDARDS

Because the Duro-Last roofing system contains the highest quality materials and undergoes stringent quality control checks during its manufacturing process, we have total confidence that it will provide years of leak-proof protection. We back our confidence by providing the most comprehensive warranty available: a 15-year full labor and material warranty. Duro-Last also has 20-year warranties available.

1. LABOR AND MATERIALS INCLUDED

On a Duro-Last roof (for warranty-related repairs or replacement), you pay nothing for materials or labor.

2. PONDING WATER

Duro-Last's standard 15-year labor and material warranty contains no exclusions for ponding water.

3. CONSEQUENTIAL DAMAGES COVERAGE

Our standard warranty includes coverage for consequential damages that result from defects in the Duro-Last material and/or installation.

4. TRANSFERABLE

The standard Duro-Last warranty is transferable at no charge to a new building owner.

5. ISSUED BY THE MANUFACTURER

Duro-Last warranties come straight from the manufacturer that has produced over a billion square feet of roofing membrane since 1978. These warranties are in addition to any warranty your roofing contractor may provide.

6. NO CHARGE

There is no additional charge for your Duro-Last standard warranty. That means you get the industry's best rooftop protection for FREE.

7. NO MAINTENANCE PROGRAM REQUIRED

Although regular common sense maintenance can extend the life of your roof, Duro-Last does not require you to invest in a roof maintenance program (often stipulated by other manufacturers) for your warranty to be in effect for the entire 15-year period.



**CALL TODAY FOR MORE DETAILS
ON HOW THE DURO-LAST
WARRANTIES CAN BENEFIT YOU.**

800-248-0280

www.duro-last.com



Duro-Last Corporate Headquarters
525 Morley Drive, Saginaw, MI 48601

Fax: 800-432-9331

E-mail: sales@duro-last.com

Commercial Warranty "Bonus" Flyer 5/07 - 95139 / M#DL14-0003

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Jeff A. Rupp, Public Works Director 
DATE: April 27, 2017
SUBJECT: Project No. 17-03: Ida Storm Water Erosion Control Project – Permission to Advertise

This project is a storm water erosion control project consisting of grading, rip rap placement, and special seeding for tough grasses. This project is adjacent to and part of the public conveyance reinforced concrete box culvert under Ida Street.




Funding for this project is budgeted in Fund 22, line 43301, in the amount of \$45,000.

Policy Consideration: n/a

Financial Consideration: n/a

Action: Authorize the Public Works Department to prepare contract documents and advertise for bids for Project No. 17-03: Ida Storm Water Erosion Control Project as proposed above.

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Rebecca Savidge, City Inspector 
THRU: Stefanie Leif, Community and Economic Development Director 
DATE: April 27, 2017
SUBJECT: Conditional Use Permit – 707 Holiday Drive

Annie Schmalbeck is the owner of an established licensed daycare center that was located in the city of Leavenworth. She has purchased a new home in the city of Lansing and is moving her business with her.

The property is zoned R-2 (Single Family Residential), and daycare in the home is allowable with no permit for six or less unrelated children, but the owner must obtain a conditional use permit for seven or more children. The total maximum number of children she would have if approved for a conditional use permit would be 12. Some of those are school-aged children and would only be there afternoons for short periods or days when school is out.

The owner and realtor requested permission/approval from the homeowners' association and were granted approval prior to the sale and closing on the property.

All requirements for the conditional use permit have been met except for the fencing. The owner has a 4 feet, 50 percent open fence currently around the property, but the requirement is 6 feet and she is pursuing the options to bring it into compliance.

The Planning Commission recommended to approve the conditional use permit for 707 Holiday Drive in a 5-1 vote at its April 19, 2017, meeting. The minutes of that meeting, the conditional use checklist, a map showing the location of the property, and emails received prior to the meeting are attached for your review.

Policy Consideration: The city of Lansing Zoning Ordinance currently states that the required open space at daycare centers shall be enclosed by a solid or semi-solid fence or wall at least 6 feet high.

Financial Consideration: n/a

Action: Staff recommends a motion to approve the conditional use permit application for 707 Holiday Drive.

AGENDA ITEM #

6

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

Approval of Minutes – March 15, 2017, Regular Meeting – A motion was made by Commissioner Gies to approve the minutes of the March 15, 2017, regular meeting, seconded by Vice-Chairman Barry. The minutes were approved, with Commissioners Neidig and Reyes abstaining.

Old Business – none

New Business – Public Hearing - Conditional Use Permit Application – 707 Holiday Drive. Chairman Schwanz stated that Annie Schmalbeck, property owner, is requesting a conditional use permit to operate a licensed daycare center at 707 Holiday Drive, Lansing, Kansas, and that the property is zoned R-2, Single-Family Residential.

Chairman Schwanz opened the public hearing at 7:03 p.m. and asked that anyone who wished to speak to please come to the podium and microphone and state their name and address.

Doug Cook, 711 Holiday Drive, stated at this time he is neither for or against this application, and has tried to gather some information on his own, talking to the homeowners' association president and to the applicant. He stated this is not personal and he's not trying to create drama or stress. He stated since he'd received a letter regarding this application he would participate and does have some questions and comments he hopes can be addressed. He stated approximately 12 years ago, his family purchased a single-family home in a designated residential area and thought it would always be that. He stated his home insurance is for a residential area only. He asked for clarification on the following:

- What are the benefits of this proposed conditional use permit for his neighbors and his family
- What impact will there be on property taxes
- Will property values be affected
- If now living in a mixed residential/business type neighborhood, will insurance go up
- Will foot and car traffic increase even more in the neighborhood
 - Knew that when he purchased home, it was on a major thoroughfare and has noticed that it is used a lot
 - While outside watering his lawn last week, saw a basketball come out into the street with a young boy chasing it who did not look, but luckily the white car stopped, and this is not the first time he's seen this in the neighborhood
- Will residential trash and recycling services be impacted
- With a business potentially in the neighborhood, are there expectations of the neighbors
- Since his family thought they were buying a home in a single-family residential neighborhood, would like someone to define where businesses start and stop as to what businesses are allowed in a residential neighborhood

He stated that was all he had for now, thanked everyone for their time, but was just trying to get information and knows that at the end of the day, some people will be happy and some will not be happy, but that's just the way it is.

At this time, Community and Economic Development Director Stefanie Leif stated she had jotted down Mr. Cook's questions and would be glad to answer those during the Commission's deliberation if that was all right and Chairman Schwanz said that would be fine.

Next to speak was David Dilly, who stated he lives at 605 Willow Court and is the president of the Woodland Hills homeowners' association. He stated he was contacted by a realtor some months ago and asked if the association would allow a daycare business and after checking the rules of the HOA, it does state the homes are supposed to be single-family residences, but the interpretation they took is that multiple family residences were not allowed, so there couldn't be three families living in a single household. He said the restrictions also say the properties can't be used just for commercial purposes, but doesn't say they can't also be used for commercial purposes. He said any business someone undertook in their home could not be obnoxious, unsightly, or produce a nuisance to the neighborhood, and his concern, as he represents the homeowners' association and its members, is that he wants to make sure that any activity that takes place at any home does not break those restrictions that are in place. He said the only question he had for the board is that he didn't understand what "conditional" meant, if there are rules or conditions tied to that conditional permit, and if there is any recourse for his fellow homeowners or the homeowners' association to bring up any issues or any breach of such conditions. Chairman Schwanz stated that would be addressed once the public hearing is closed.

Jessica Pettis, 1117 Dakota, Leavenworth, spoke next. She stated Annie is her daycare provider and her son, who is now seven, has been with her since he was two. She stated he learned everything prior to kindergarten in her daycare setting and hopes the Commission will support her and let her continue to have this business and help support her family.

At this time, the applicant, Annie Schmalbeck, 707 Holiday Drive, spoke. She stated she has had a home daycare in Leavenworth for 11 years. She said when she started she had two children, but now has five children, so they needed a bigger home. She stated she and her brother and sister attended Lansing schools, but her child was going to Leavenworth. She said because of the overcrowding in Leavenworth schools, they decided to look for a bigger home in Lansing. She stated the daycare is very education driven and the kids are not running around being loud or destroying property, but are in a loving, nurturing, and safe environment. She said she never thought anyone would object to children in a daycare. She further stated that as far as traffic concerns, they have a camera on their doorbell that takes pictures and doesn't believe there's any more traffic in that neighborhood than there is on a Saturday, and she doesn't have daycare on Saturday. She stated there will be drop-offs in the morning, usually between 6:30 and 8:00 and pick-ups in the afternoon between 3:30 and 5:00. She said there are delivery trucks, etc. in the neighborhood during the day, but those have nothing to do with the daycare. She also stated she believes this could be a very positive change for everyone and said for her, it's all about the kids and being able to give them a nicer, larger environment in which to play, learn, and grow. She also stated this is how she supports her family and hopes she'll be able to continue.

Commissioner Reyes said she had stated she had five children and asked if those were her own or in the daycare and she said those were her own. He then asked how many children are in the daycare and what the maximum is she's allowed to have and she stated she has 12, including her own under the age of 16. She stated she's allowed to have 14 before and after school and up to two weeks after school gets out and up to two weeks prior to school starting, and those have to be school-age kids. Commissioner Reyes then asked about the ages of the children and Ms. Schmalbeck stated she doesn't take any under 18 months and right now she has a ten year old.

Commissioner Gies asked if she's required to have more than one provider and Ms. Schmalbeck said she is and that her niece, Cheyenne Enyard, is the other provider and has all the certifications from the state just as she does. Commissioner Gies asked if it's a requirement to have two providers for 12 children and Ms. Schmalbeck said it is, depending on the age groups. City Inspector Rebecca Savidge stated that's spelled out in the Kansas license that was included in the agenda packet.

Commissioner Gies then asked if she is operating at this location now and Ms. Schmalbeck stated she has been since last Friday and that's only because of a miscommunication and misunderstanding between the lady she talked to at KDHE and her. She stated she was contacted and told she wasn't eligible for reimbursement on her food vouchers because she wasn't supposed to be operating out of Leavenworth, but out of Lansing. She said the lady at KDHE acknowledged it was her mistake and she had told Ms. Schmalbeck the wrong information.

Commissioner Gies next asked where her daycare was located when she was in Leavenworth and she stated at 936 Osage. He asked if she had to have a special use permit to operate at that location and she stated she did.

Commissioner Moreland asked if the play space was in the front yard or back yard and Ms. Schmalbeck stated it's in the back yard. She stated they have a 4' fence and didn't know they had to have a 6' fence, so they're working on getting that done within the next couple of months. She stated they turned their garage into a giant playroom. Commissioner Moreland asked if that was then pushing more cars out into the street and Ms. Schmalbeck said it wasn't because her husband's car is at work all day, her daughter's car is at school all day, and she just has the daycare van. Commissioner Moreland said there would also be Cheyenne's car and Ms. Schmalbeck said that was correct.

Next to speak was Candace Sweet of 607 Pebblebeach Drive, who stated she lives adjacent to this house. She stated she is on the board of the HOA, but is here not as a board member. She stated the traffic on that road is horrible and there are a lot of children on that road just west of them, but stated she hadn't noticed any difference in traffic. She also stated that during the day there are a lot of businesses along there doing lawn care, construction, and roofing, but doesn't think the traffic is going to be affected. She stated she feels it's kind of nice to have someone home during the day to watch for theft or anything else going on. She said the kids aren't playing out front, but are in the back. She also stated she knows there are other home-based businesses in the neighborhood such as construction, lawn, CPA, other daycare businesses, and so on, and doesn't feel that this one person who is taking the time to go through the city and the state should not be allowed to have this daycare. Ms. Sweet stated the daycare was operated in Leavenworth for years and they didn't have a problem with it. She

said she knows Pebblebeach is a busy street, but doesn't see the police around, about which she's filled out a city complaint form. She did state that in the last three days, she has seen a police car out there once a day. She said she did not think there would be a problem with traffic because of the daycare, that there's just a problem with the general traffic.

Commissioner Gies said he couldn't see on the map where she could be adjacent to this property, but maybe a couple of houses down or across the street. She stated she can see their house from her house.

Commissioner Gies then said Ms. Sweet had stated Leavenworth hadn't had any problem with this daycare and asked if she'd checked with Leavenworth on that. She stated the daycare had been in business for 11 years there and thought if there had been a problem, they would have done something. Commissioner Gies said this was then her assumption. He stated the other businesses might not have to come before the board for a special use permit, and City Attorney Greg Robinson said they would have to at least get registered.

Commissioner Gies then asked Ms. Sweet if the HOA asked adjacent property owners, ones who abut the property, about this and Commissioner Reyes suggested that question should probably be addressed to Mr. Dilly. Mr. Dilly stated the rules are written as they are and they require 100% agreement on a change in the rules, so the homeowners' association can't oppose this because there are no rules saying you can't have a business, other than if you use your home for commercial purposes only, and that is not the case here.

Danielle Thompson of 124 Ferncliff next spoke and stated she is the real estate agent who sold them the home, but is not here for that reason. She stated she is coming as a parent and Lansing resident. She stated she has small children in daycare in Lansing, not Annie's, but likes being able to take her child locally and believes it's good for the city to have these options and likes for her children to be in an in-home environment. She said as a parent and a resident of Lansing, she believes the city should allow in-home licensed daycares.

Michael Poirier of 507 Willow Court stated from the back of his yard he sees the whole neighborhood, as he's on a corner lot. He said traffic on Holiday is really bad, and adding another business to that small amount of area will upset him because he's going to see it all. He said he can see her house and behind her house from where he sits on his back porch, so his recommendation is "no", he doesn't support it.

Next to speak was Chelsea Flaherty of 125 Ferncliff, who stated she first wanted to address the traffic issue. She said she uses Holiday Drive every day to get to work and it is busy. She said as far as having businesses in the neighborhood, just today she saw seven cars at a house cleaning business, four in the driveway and three in the street, and saw a child almost get hit because he couldn't see around the cars parked on the street. She also stated that outside Annie's house she saw only one car, which is usually Cheyenne's, during the day. She said Annie is also her sister-in-law, so she's had her child with her and she's a good daycare provider.

Tammy Poirier of 507 Willow Court stated her concern is the traffic and told Ms. Schmalbeck that her in-home daycare is not about what she does and how she takes care of her kids because she's sure she does a fantastic job, but the fact that the road is so busy and it will be added traffic because if she has 12 kids, that may be eight different cars coming and going at

different times. She stated, as her husband said, they see everything and hear all the cars going by and hear the kids. She said her concern is if she has 12 kids and can have up to 14 and then someone else moves in who wants to have an in-home daycare, then there's more traffic coming through and more risk for kids to get hit because it's too busy. She said there are no speed bumps to slow anyone down or the police there to stop speeders and it is a half-mile thoroughfare where cars can get up to 50 miles per hour from the stop sign on the east side to her house, which is only 150'. She said it is too much traffic and her concern is for the kids, who run into the street, as well as cars running over balls because they can't stop in time.

Rebecca Homann of 106 Gilbert Street stated she has no children of her own or family that lives here, but does come from a large family and knows how much it means to have a daycare provider within close proximity to your home and this daycare is in the heart of Lansing, making it easy for anyone to get to. She stated as far as the traffic issue, there are plenty of things that can be done to solve that. She said stop signs can be put up and traffic can be slowed down, but it's a lot harder to find a daycare that you trust. She said she believes a lot of these traffic issues can be resolved easily and it's just a matter of the city doing a few things like the stop signs, which need to be in place regardless or whether there's a daycare there or not.

Ms. Schmalbeck stated that the daycare she had in Leavenworth was at the corner of Osage and 10th Street and is an incredibly busy street, but she said there had never been any accidents. She said they would sometimes do activities in the front, but the children always listened to her. She stated here they have a big, beautiful back yard for the children to play in and they love it.

Commissioner Gies asked if her license allowed her to have children playing in the front and she said she can as long as they're supervised.

Cheyenne Enyard, 730 Osage, stated she is the second child care provider and lives in Leavenworth. She said she understood that the traffic does get busy, but it takes less than two minutes for parents to drop off their children and go on to their job. She states this daycare not only helps Annie support her family, but helps her support herself as well. She said she has tried many jobs that have not worked out for her, but when she started working for the daycare about two and a half months ago, she found something she loves. She stated their goal at the end of the day is to make sure the children are safe and stated the daycare is very structured. She said Lansing has a very nice, safer set-up, with a nice neighborhood and friendly neighbors. She said it's important for them to have the daycare in Lansing because it's safer and they want the children to have a safe in-home environment in which to grow and have that structure that they need.

Mrs. Poirier then asked if the kids that come to her daycare are from Leavenworth or are they in Lansing and within 200' of the property because they got a notification since they were within 200' of the property line. Ms. Schmalbeck stated she transferred most all of the kids from Leavenworth, but she does have two families that reside in Lansing, but not in their subdivision. She stated she has two families that are moving to Lansing and whose children will go to Lansing schools next year.

Commissioner Neidig stated he believed Ms. Leif could explain why she received the letter because of the 200' boundary. Ms. Leif stated that Kansas State Law requires the city to notify property owners within 200' of the property that has an application coming before the city. Mrs.

Poirier then asked what that does for her except to come here and voice her opinions or grievances for or against, but that's it and nothing else, and that somebody's doing this and whether you like it or not, it might happen. She stated she believes her property value is going to go down because of a daycare and she can't stop it, because if the city approves it, then the city's just telling her her property values don't mean anything, which is how she sees it.

Ms. Leif stated the letters are sent out to allow people to voice their concerns or ask questions, as this all feeds into the Commission's decision; however, the Planning Commission only makes a recommendation to the City Council, who makes the final decision. She stated they do take into account all the comments made here at the public hearing as well as any comments made by the Planning Commission.

Since there was no one else in the audience who wished to speak, Chairman Schwanz closed the public hearing at 7:43 p.m. and stated this begins the 14-day protest period.

Chairman Schwanz then asked Ms. Leif to address the conditional use permit definition and what can happen as far as repercussions in that respect. Ms. Leif stated she was going to ask City Inspector Rebecca Savidge to speak since she took the lead on this and did the actual inspection.

Ms. Savidge stated what the conditional use does is give the city a mechanism to further control the home-based business, which is allowed in the city and in a residential neighborhood. She said there is a list of home-based businesses in our Zoning Ordinance, with daycare being one of them. She said if someone has six or less unrelated children, that person doesn't have to come here, so they could put a daycare in and no one could say anything because it is an approved home-based business. Commissioner Gies stated they still have to go through the Health Department requirements and Ms. Savidge stated they have to meet KDHE requirements, as well as the requirements of the state fire marshal. City Attorney Greg Robinson stated the city just doesn't have any control over it. Ms. Savidge continued that for seven or more unrelated children, it requires a conditional use permit through the city.

Ms. Savidge stated that with the conditional use permit comes other requirements: must have two parking spaces for loading and unloading, where she actually has room for four; no more than 25% of the total square footage can be used for the business; the yard has to meet the 100 square feet of open space per child; must have a 6' fence; and must pass inspections by KDHE, the state fire marshal, and her. She said once all those are done, the conditional use then gives the city the right to pull the permit if it receives complaints or finds the business has become non-compliant. She stated the conditional use permits are good for five years, but if a complaint is received, the city acts on it.

Ms. Savidge then addressed the concerns and questions that had been brought up earlier:

- Benefits to a conditional use permit
 - The city has more control over the home-based business
 - The only signage the business can have, as required by the state, is a 2 x 2 sign flat on a wall, not in the yard, saying there is a home daycare there
- Home-based businesses in the neighborhood – there are a lot of them of wide variety
- Effect on property taxes

- Has never seen or been shown any proof that there was any affect on property taxes
 - Typically the daycare houses are better than some others in the neighborhood
- Effect on property value
 - If daycare property starts to decline or not meeting the specifications, that conditional permit can be pulled
- Traffic
 - Holiday has been an issue for a long time
 - Comments will be passed along to the police department to see what else might be able to be done

Ms. Savidge stated the list of home-based businesses can be found on the city website or she would be glad to furnish that list to anyone. She stated sometimes it's hard to know if a business is being run out of a home if it's something like an office, but if she does find out, she checks it out.

- Expectations to neighbors
 - There are none

Ms. Savidge stated that because Ms. Schmalbeck only has a 4' fence now and needs a 6' fence, staff has recommended a timeline for completion of the 6' fence. She also stated everything concerning the daycare has to be enclosed within that 6' fence.

- Single-family residential neighborhood
 - If there were more than one unrelated family living there, she would be checking that out

Mrs. Poirier asked about using the garage for the daycare and asked Ms. Savidge is that's part of that 25% and Ms. Savidge said it is. She stated Ms. Schmalbeck is not using her upstairs or her downstairs – only the garage, her living area, and her kitchen and bathroom. Ms. Savidge said the garage is converted, so it won't be used as a garage. Mrs. Poirier said that can't be done according to their homeowners' association. Mr. Dilly stated the rules say you must have a two-car garage and Ms. Savidge stated the city does not abide by those rules. Mrs. Poirier said the garage can't be counted in the total square footage of the house and Ms. Savidge said when she does a building permit, it's counted. Chairman Schwanz stated that would be something for the homeowners' association and thanked Ms. Savidge for addressing those questions.

Commissioner Gies said there had been a concern raised about expanding or changing it, but since the permit is issued to the person, she couldn't sell it and someone else make it larger without reapplying. Mr. Robinson said the daycare license stays with her and Commissioner Gies stated that the conditional use stays with the property and asked if it was transferable to a different owner. Mr. Robinson stated he believes it does for the period of time remaining on it; however, it's not where just anybody could step in, as they would still have to meet all the requirements to run that operation.

Mr. Dilly then stated he had checked the homeowners' association rules and they only state the standards by which the structure must be built, which includes the two-car garage.

Chairman Schwanz then asked Ms. Schmalbeck to return to the podium as he had a few more questions. He asked how many families, not children, are at her daycare, and she stated five. He stated then there could potentially be five families for drop-off and pick-up and she stated "yes".

Chairman Schwanz then asked if she had to have a special use permit in Leavenworth and she said she did. He asked how often that had to be renewed and she said she had just gotten it in October of 2016. Commissioner Gies asked if she'd been operating with less than six kids before as to why she didn't have a special use permit before and she stated "yes" and that she was registered, but then they switched and didn't do registered daycares anymore. Commissioner Gies said generally in Leavenworth the permits are good forever.

Ms. Savidge reiterated that our permits are for five years and then she has to go through the process again. Commissioner Gies asked if that included a new public hearing and she said it does.

Commissioner Gies then asked if Holiday is a collector street and what the speed limit is. Commissioner Neidig said he would not define it as a collector. Chairman Schwanz said a lot of concerns had been raised about traffic and he's glad to see one of the Councilmembers from Ward 4 here tonight so he can take those back to the Council and the Police Chief.

City Engineer Matt Harding stated in our transportation map Holiday Drive is categorized as a collector street, but he isn't sure it's built to collector street standards, as collector street standards would be 36' back to back. Ms. Savidge said it's much wider than that and is really four lanes wide. Commissioner Gies asked why the speed limit would be 20 on a collector street and it was determined it was because it was a residential neighborhood. Mr. Harding said it can be changed by the City Council and that we give guidance by the 85 percentile.

Commissioner Reyes stated it sounds like this is more of a city problem of people speeding through there than a daycare problem, which could be helped by speed bumps and more police presence.

Commissioner Gies stated the applicant had stated the hours she's operating and thought there may be concern among the neighbors if people are picking up kids at midnight. He asked Ms. Leif if that could be put in as a condition as far as hours and Ms. Leif stated they could. Ms. Schmalbeck said she doesn't have any children later than 6:30-7:00, except for family.

Chairman Schwanz asked, with her license, if she's allowed to have children 24 hours a day and she stated she is, but if you have kids overnight, you can't work more than 18 hours, and though she used to do that, she doesn't anymore.

Commissioner Reyes asked what if there was an emergency situation with a parent and someone brought children to her to watch overnight, and she stated she would not consider this as daycare, but would just take them in. She said she wouldn't consider it for pay, that they could just spend the night. Commissioner Moreland asked if that's the way the state would see it and Ms. Schmalbeck said she didn't know if there were any stipulations on that since her children can have sleepovers.

Since there was no other discussion, Chairman Schwanz asked Commissioners to consider the checklist as a finding of fact. Commissioner Moreland made a motion to approve the checklist as a finding of fact, seconded by Commissioners Gies and Reyes. The motion passed, with Vice-Chairman Barry abstaining.

Chairman Schwanz then entertained a motion to recommend approval, recommend denial, or recommend approval with conditions to the City Council for the conditional use permit application for 707 Holiday Drive.

Commissioner Gies asked if the 14-day protest period applied to this and Ms. Leif stated it does. He then asked if she would explain that to the audience. Ms. Leif stated that in our Zoning Ordinance, when a public hearing has been held, there are 14 days after the public hearing has been closed that a protest can be filed with the city. She stated she would give more information to anyone who might want to do that. Commissioner Gies asked if a successful protest petition requires a super majority from the elected body and Chairman Schwanz said "yes".

Commissioner Neidig then asked Ms. Leif if the 'Citizens' Academy was still being held and suggested, based on some of the questions tonight, it might be worth talking about to help people better understand the workings of the city. Ms. Leif stated that each month from September-April, members visit a different department of the city to learn more about what that department does, including the Planning and Zoning Department.

Chairman Schwanz then asked again for a motion to recommend approval, denial, or approval with conditions. Commissioner Neidig made a motion to approve, seconded by Commissioner Reyes. Chairman Schwanz wanted to clarify that there weren't any conditions he wanted to put on it and Commissioner Neidig stated the motion is just to approve. Commissioner Moreland said the condition would be the fence and Commissioner Neidig said "no conditions". Chairman Schwanz said the motion is to approve and it has been seconded. Commissioner Moreland stated the Commission has previously put conditions on these permits and feels one should be put in about the fence, for the applicant as well as for the Commission. Mr. Robinson stated, if he understood correctly, Ms. Savidge stated the applicant has to have a 6' fence in order to obtain this conditional use permit. Commissioner Neidig stated that's why he made his motion with no conditions and Chairman Schwanz stated that's why he wanted to clarify the motion. Commissioner Moreland asked how long the state will give her to put up the fence and Ms. Savidge stated this is a city ordinance and is one of the requirements for a conditional use permit for a daycare. Ms. Savidge said she just included a date for completion of the fence in her agenda memo taking into account when this would potentially be approved by the City Council. She stated the Commission is welcome to change that date if it wants to.

Roll was then called and the motion to approve the conditional use permit for 707 Holiday Drive passed, with Commissioner Gies voting "no". Chairman Schwanz noted the Planning Commission is recommending approval of this application to the City Council. He asked when this would go before the City Council and the secretary stated it would be May 4.

Notices and Communications – Chairman Schwanz welcomed back Commissioner Moreland and Commissioner Suozzo as they and he were reappointed by the City Council to the Planning Commission for another three-year term.

Reports – Commission and Staff Members – Ms. Leif stated she will be out of town for the May 17 meeting, but as of this date, no applications have been submitted for consideration. She stated she could have someone sit in for her if the Commission wants to have a work session, or the meeting could be rescheduled to another date. Vice-Chairman Barry asked about the Greenamyre application that had previously been tabled until the May 17 meeting and Ms. Leif stated Mr. Greenamyre contacted her and stated he wouldn't be available for a meeting in May or June, so it may be July before that application is heard. She stated it would have to be re-noticed like a new application. Mr. Robinson asked if anyone was at the March meeting who will not get a notice and will be expecting this application to be heard at the May meeting. Ms. Leif said there was one person there and she would contact him. After some discussion, it was decided not to have a meeting in May unless something comes up.

Adjournment – Vice-Chairman Barry made a motion to adjourn, seconded by Commissioner Reyes. The motion was passed by acclamation and the meeting adjourned at 8:15 p.m.

After the regular meeting, a work session was held with a kick-off meeting for the Unified Development Ordinance by consultant Gould Evans.

Respectfully submitted,

Cynthia Tripp, secretary

Reviewed by,

Stefanie Leif, Community and Economic Development Director

CONDITIONAL USE CHECKLIST

Conditional Use Case No. 2017-1

Date Filed: March 9, 2017

Date Advertised: March 28, 2017

Date Notices Sent: March 28, 2017

Public Hearing Date: April 19, 2017

I. Applicant's Name: Annie Schmalbeck

Applicant's Authorized Agent: n/a

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	Single Family Residential	R-2
South	Single Family Residential	R-1
East	Single Family Residential	R-2
West	Single Family Residential	R-2

IV. Present Use of Property: Single Family Dwelling

V. Conditional Use Requested: Licensed Daycare 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, 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
- Section
- Section Boundaries
- County Boundary



78.9 0 39.43 78.9 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

Notes

From: Stefanie Leif
Sent: Friday, April 14, 2017 1:18 PM
To: Cindy Tripp; Rebecca Savidge
Subject: FW: Daycare

-----Original Message-----

From: Jcabb [<mailto:jcabb@kc.rr.com>]
Sent: Friday, April 14, 2017 8:35 AM
To: Stefanie Leif <sleif@lansing.ks.us>
Subject: Daycare

Dear Sir

I do not agree with allowing a day care business in the neighborhood. I live behind 707 Holiday at 712 Brookwood St and believe the noise will interfere with my lifestyle and degrade my property values.

Cheryl Bester
712 Brookwood
Lansing KS 66043

Sent from my iPhone

Sent from my iPhone

Cindy Tripp

From: Rebecca Savidge
Sent: Tuesday, April 18, 2017 10:21 AM
To: Stefanie Leif; Cindy Tripp
Subject: Fwd: Annie Schmalbeck Daycare

Sent from my iPhone

Begin forwarded message:

From: anne slusher <abslush@gmail.com>
Date: April 18, 2017 at 7:26:18 AM CDT
To: savidge@lansing.ks.us
Subject: Annie Schmalbeck Daycare

Hello, my name is Anne Slusher and I have known Annie since about 1996. I am a Leavenworth resident and have visited Annie's daycare when she had it in Leavenworth to pick up a friend's children a few times. Those times, and also when just driving by, I barely could even tell it was a daycare from the outside. There was no extra traffic or disruptions that I could see. I know that she and her family take great pride in caring for children, AND the community. I would feel confident that her daycare if located in Lansing could only be a benefit for the local community and neighborhood.

Sincerely,

Anne Slusher
1904 Osage
Leavenworth KS 66048
913-306-2779

Cindy Tripp

From: Rebecca Savidge
Sent: Tuesday, April 18, 2017 10:21 AM
To: Stefanie Leif; Cindy Tripp
Subject: Fwd: Daycare

Sent from my iPhone

Begin forwarded message:

From: a.ashleynp@gmail.com
Date: April 17, 2017 at 8:32:00 PM CDT
To: savidge@lansing.ks.us
Subject: Daycare

To whom it may concern:

I am writing to you in reference to Annie Schmalbeck's in home daycare for children in Lansing. Ms. Schmalbeck has been my 3 grandchildren's daycare provider for the past 3 years. Most recently I had to relocate to Texas, however 2 of my grandchildren still attend her daycare.

I have had the pleasure of seeing my grandchildren grow into well behaved and smart children thanks to Ms Schmalbeck. Not only do my grandchildren adore her, but so does our family along with the Leavenworth/Lansing community.

Its pretty awesome and reassuring when the children's pediatrician comments on how much confidence they have of Ms Schmalbeck and how much they respect her.

I also have the utmost confidence in her judgment and maturity, and have always felt comfortable leaving my grandchildren in her care.

She follows all rules and guidelines to make sure the children are safe and well taken care of in a clean environment while having fun. It is difficult to find high quality day cares that are loving and supporting especially in the area.

Without this daycare, many parents and children would be devastated. Not only would it disrupt the lives of parents, it would be even more disruptive for the children.

Please feel free to call me should you have any questions or would like more insight regarding my support of Ms Schmalbeck's daycare. She is an excellent provider and I would be very disheartened if she was hindered from operating the in-home daycare.

Warm Regards,

Angele Ashley, NP-C
Nurse Practitioner
913-705-0316

Cindy Tripp

From: Rebecca Savidge
Sent: Tuesday, April 18, 2017 10:21 AM
To: Stefanie Leif; Cindy Tripp
Subject: Fwd: Annie Schmalbeck

Sent from my iPhone

Begin forwarded message:

From: Terry Burdette <dcjackson10@icloud.com>
Date: April 17, 2017 at 8:16:49 PM CDT
To: savidge@lansing.ks.us
Subject: Annie Schmalbeck

I am writing because I now live in New Mexico and cannot be present at the meeting. Annie took care of my children and was absolutely loved and is now missed. My son had a difficult time and was misdiagnosed as ADHD and was a handful. He has since received the correct diagnosis but still has his days. Annie loved mine like her own and I never doubted leaving them in her care. She is very responsible respectful and considerate. I would be happy to have her daycare in my neighborhood and now that my kids go to a site I have learned the true value of an in home daycare. Someone who loves and gives her all to the kids as she does should get that respect back. She is a great person and someone I consider to be an all around amazing individual. This fact is evident in the way she cares about the kids and the way she goes above and beyond for the children and families she cares for. If there are any questions I can be reached at dcjackson10@yahoo.com. Thank you for reading this!

Dawn Liberty

Sent from my iPhone

Cindy Tripp

From: Stefanie Leif
Sent: Tuesday, April 18, 2017 2:22 PM
To: Cindy Tripp; Rebecca Savidge
Subject: Fwd: daycare center at 707 Holiday Dr.

Sent from my iPhone

Begin forwarded message:


From: dlreddell <reddell@kc.rr.com>
Date: April 18, 2017 at 2:19:56 PM CDT
To: <sleif@lansing.ks.us>
Subject: daycare center at 707 Holiday Dr.

Ms. Leif:

My name is David L. Reddell and I am a homeowner at 703 Holiday Drive. This note is in regards to the proposed day care center at 707 Holiday Drive. This subdivision is zoned R-2 Single Family Residence. Homeowners purchased their homes with this designation. I and many of the immediate neighbors are OPPOSED to allowing a day care to open on this street. It is a heavily used through street from K-7 to Desoto and then Eisenhower Blvd. We welcome the family into the neighborhood but would prefer our single family residence zoning to be observed and protected. Thank you and count this as a NO vote for the day care.

David and Sheryl Reddell

AGENDA ITEM

TO: Mayor; Lansing City Council
FROM: Tim Vandall, City Administrator 
DATE: May 1, 2017
SUBJECT: Wastewater Rate Revisions

Explanation: The City's current wastewater rates for residential customers are \$16 base charge, plus \$6 per unit. Additionally, our utility bill includes \$16.69 to pay for trash services. Our existing rates are included in column **A**. The wastewater rates based on the wastewater rate study in the fall of 2015 proposed an increase of a \$5 user fee to \$21, plus an additional \$.75/unit to \$6.75/unit. This is delineated in column **B**.

Several months ago, the Nine Mile Project, which was included in the rate study, came in \$324,000 under engineering estimates. Currently, the project is 47% completed, with the major stream crossing complete and no change orders yet. Following the bid opening several months ago, there were comments about reviewing wastewater rates, but that we should wait until the current project has progressed further, which is the reason for this explanation.

It should be said at the outset that staff certainly does not want to encounter the same kind of financial problems the Wastewater Fund encountered in the past. After reviewing several options, we believe there is an option to maintain a self-sufficient wastewater fund, pay off current debt, keep options available for future projects, and slightly reduce the upcoming rate adjustment.

Column C reduces the proposed user fee increase from \$5 to \$3, essentially saving each customer \$2/month. Staff also can lower the solid waste administration fee by \$.50, thereby reducing the upcoming increase for all customers by \$2.50. Reducing the projected increase in the base fee by \$2/month would lower the City's wastewater revenue approximately \$62,760/year; however, since the Nine Mile Project came in \$324,000 under budget and was included in the rate study, this gives us some leeway with our rates. Staff will continue to monitor the wastewater fund to ensure the Wastewater Fund does not go "underwater" again. Secondly, the \$.50 decrease in the solid waste administration fee may only be temporary, as our current solid waste contract is set to expire March 2018. With consistent monitoring of the wastewater and solid waste funds, staff feels confident in this option.

	Current Rates (A)	WW Study Proposed Rates (B)	Proposed Hybrid Rate (C)
Customer 2 Units	\$44.69	\$51.19	\$48.69
Customer 4 Units	\$56.69	\$64.69	\$62.19
Customer 6 Units	\$68.69	\$78.19	\$75.69
Customer 8 Units	\$80.69	\$91.69	\$89.19

Financial Considerations: Column "B" would keep wastewater rates as proposed in the WW rate study, whereas Column "C" would propose a smaller increase, which is offset by low bid price on the Nine Mile Project.

Policy Considerations: If the council prefers Column "B", we would proceed with the figures from the WW rate study and no further action is necessary after tonight. If the council prefers Column "C", staff would amend Ordinance 956, the wastewater rate ordinance, and put on the agenda for the May 18th meeting.

Action: Direct staff to maintain rates as proposed in the WW rate study Ordinance 956 (Option B) or direct staff to prepare an ordinance to amend Ordinance 956 (Column C).

AGENDA ITEM

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Proclamation Municipal Clerks Week

Whereas, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Municipal Clerk is the oldest among public servants, and

Whereas, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

Whereas, The Municipal Clerk serves as the information center on functions of local government and community.

Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations.

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk,

Now, Therefore, I, Michael W. Smith, Mayor of the City of Lansing, in the State of Kansas proclaim the week of May 7 through May 13, 2017 as

Municipal Clerks Week

And further extend appreciation to our Municipal Clerk, Sarah Bodensteiner, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

In Witness Whereof, I have hereunto set my hand this 4th day of May, in the year Two Thousand Seventeen.

City of Lansing

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk

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Proclamation

Whereas, the Congress and President of the United States have designated May 15th as Peace Officers' Memorial Day, and the week in which May 15th falls as National Police Week; and

Whereas, the members of the law enforcement agency of Lansing play an essential role in safeguarding the rights and freedoms of Lansing; and

Whereas, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

Whereas, the men and women of the law enforcement agency of Lansing unceasingly provide vital public service;

Now Therefore I, Michael W. Smith, Mayor of Lansing, call upon all citizens of Lansing and upon all patriotic, civic and educational organizations to observe the week of May 14-20, 2017, as

Lansing Police Week

with appropriate ceremonies and observances in which all of our people may join in commemorating enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in so doing, have established for them an enviable and enduring reputation for preserving the rights and security of all citizens.

I further call upon all citizens of Lansing to observe May 15th, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

In Witness Whereof, I have hereunto set my hand this 4th day of May, in the Year of Two Thousand Seventeen and cause the Seal of the City of Lansing to be affixed.

City of Lansing

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk

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