



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

COUNCIL AGENDA
Regular Meeting
Thursday, September 15, 2016
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

AMENDED

Roll Call

OLD BUSINESS:

1. Approval of Minutes

NEW BUSINESS:

Audience Participation

Presentations

Council Consideration of Agenda Items:

2. Approval of Contract – Animal Sheltering Services
3. Approval of Audit Ending December 31, 2015
4. Request for Park Special Event Permit
5. Executive Session – Consultation with Attorney

Reports:

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

Proclamations:

6. United Way Months

Other Items of Interest:

7. Recognition Sign Draft Policy
8. Department Vehicle and Equipment Mileage Reports
9. Thank You – Police Chief Wayman

Adjournment

AGENDA SUMMARY

TO: Tim Vandall, City Administrator
FROM: Sarah Bodensteiner, City Clerk
DATE: September 14, 2016
SUBJECT: Agenda Summary

Call To Order
Pledge of Allegiance
Roll Call

OLD BUSINESS:

1. Approval of Minutes

- The regular meeting minutes of September 1, 2016, are attached.
- **MOTION:** To approve the regular meeting minutes of September 1st, 2016.

NEW BUSINESS:

Audience Participation

Presentations

Items for Council Consideration:

2. Approval of Contract – Animal Sheltering Services

- This contract with Leavenworth County Humane Society would decrease the cost of per animal impound charges and save staff time due to the location in Lansing.
- This contract is not exclusive, so if Leavenworth County Humane Society is full, staff can still take animals to the Leavenworth animal impound.
- **MOTION:** To approve the contract with Leavenworth County Humane Society, as presented.

3. Approval of Audit Ending December 15, 2015

- The financial statements for the City were audited and the final audit was distributed to the Governing Body at the August 6th Council Meeting.
- A representative from Wendling, Noe, Nelson, and Johnson LLC, will be present to provide a brief overview of the audit and answer any questions.
- **MOTION:** To approve the final audit for the City of Lansing for the year ended December 31, 2015.

4. Request for Park Special Event Permit

- The University of St. Mary would like to utilize Bernard Park for a Cross Country Meet on November 5, 2016.
- Staff believes this will be a great opportunity to showcase Bernard Park and bring people attending the meet to local businesses.
- **MOTION:** To approve the Park Special Event Permit.

5. Executive Session – Consultation with Attorney

- **MOTION:** To recess into executive session for consultation with an attorney on matters that would be privileged in Attorney-Client relationship for _____ minutes, beginning at ____ PM and returning at ____ PM.

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

6. United Way Months

Other Items of Interest:

7. Recognition Sign Draft Policy
8. Department Vehicle and Equipment Mileage Reports
9. Thank You – Police Chief Wayman

Adjournment

AGENDA ITEM

TO: Tim Vandall, City Administrator

FROM: Sarah Bodensteiner, City Clerk

DATE: September 8, 2016

SUBJECT: Approval of Minutes

The regular meeting minutes for September 1, 2016, are enclosed for your review.

Action: Staff recommends a motion to approve the regular meeting minutes for September 1, 2016.

AGENDA ITEM #

Call To Order:

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

Roll Call:

Mayor Gene Kirby called the roll and indicated which councilmembers were in attendance.

Councilmembers Present:

Ward 1: Kevin Gardner and Dave Trinkle

Ward 2: Andi Pawlowski and Don Studnicka

Ward 3: Jesse Garvey and Kerry Brungardt

Ward 4: Tony McNeill

Councilmembers Absent: Gregg Buehler

OLD BUSINESS:

Approval of Minutes: Councilmember Pawlowski moved to approve the special meeting minutes and regular meeting minutes of August 18, 2016. Councilmember Garvey seconded the motion. The motion was approved, with Councilmember Trinkle abstaining from the vote.

NEW BUSINESS:

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

Presentation

COUNCIL CONSIDERATION OF AGENDA ITEMS:

League of Kansas Municipalities Voting Delegates: Councilmember Pawlowski asked who's going.

- Mayor Kirby stated I nominate me and Tim and you're going right.
 - Councilmember Pawlowski responded yeah.
 - Councilmember Studnicka asked you nominate who?
 - Mayor Kirby responded myself, Tim, and Andi.

Councilmember Studnicka moved to elect Mayor Kirby, Tim Vandall, and Andi Pawlowski as voting delegates. Councilmember Gardner seconded the motion. The motion was unanimously approved.

Ordinance No. 969: Councilmember Brungardt moved to adopt Ordinance No. 969 adopting the 2016 Standard Traffic Ordinance for Kansas Cities, 44th Edition. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Ordinance No. 970: Councilmember McNeill moved to adopt Ordinance No. 970 adopting the 2016 Uniform Public Offense Code for Kansas Cities, 44th Edition. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Ordinance No. 971: Councilmember Pawlowski moved to adopt Ordinance No. 971. Councilmember Studnicka seconded the motion.

- Councilmember Pawlowski asked is that going to make a big difference in the amount of cases that our court sees.
 - Police Chief Steve Wayman replied no.

The motion was unanimously approved.

Ordinance No. 972: Councilmember Pawlowski moved to adopt Ordinance No. 972. Councilmember Gardner seconded the motion.

- Councilmember Pawlowski asked can Stefanie kind of outline this for anybody that wants to listen on Channel 2 later.
 - Community and Economic Development Director Stefanie Leif stated the first one is regarding the timing of submission of plats, and this was brought forward because there were some concerns from the Planning Commission about applications in the past where both the preliminary plat and the final plat were submitted and reviewed by the Planning Commission at the same meeting, and a couple of commissioners that were part of those projects just felt that that really didn't give them enough time to analyze all of the issues, it was a lot at one time, and if they wanted to make any changes, they felt that because the final plat was also in front of them it didn't really allow them the time to make any changes or readjust anything. So what this does is that it will now say that the preliminary plat will come on its own, then the preliminary plat has to be approved by the Planning Commission before an applicant can submit the final plat. We did reach out to a couple developers in town, and they said as long as special meetings could happen in case there were some timeline issues, they were fine with

- that, and the Planning Commission said that if there is a specific situation where we need to schedule a special meeting for development they were fine doing that, there were ok with doing that. And the second one is regarding park land acquisition dedication, this was a draft policy in our subdivision code, so what this does is currently our subdivision ordinance, if you're coming in for a subdivision, allows you to either pay a park land fee in lieu or you can dedicate land. What this allows is really a third option that the developer can bring forward and the City can look at and it would be amenities. So, they could submit a playground or some sort of park amenity that the City would also be able to look at as part of meeting those requirements, and it just outlines some specifics about that.
- Councilmember Pawlowski stated we've had that issue come up before and so does it specifically address a public park rather than a private park.
 - Community and Economic Development Director Stefanie Leif replied it does, I'll find that section on page, it would be in the Exhibit B of Ordinance 972 which has the full body of the language, under Section 7 where it really talks about the amenities in lieu of land or park land. It would be under number 7(2) it says the amenity or benefit may not restrict or prohibit access of any group of citizens or non-residents, but must be accessible to the public at-large, so it does address that it needs to be a public park.
 - Councilmember Gardner asked then Parks & Rec would be taking care of it, if they built something like that?
 - Community and Economic Development Director Stefanie Leif replied that is correct and Jason Crum was involved with the Planning Commission discussions a couple of times when we had it in front of them, and yes we had it that a public park would be their maintenance.
 - Councilmember Gardner asked are they restricted to that area can they use that money for other parks?
 - City Administrator Tim Vandall replied if they chose the option to pay into park land fees I think we would be able to spend it at any park.
 - Community and Economic Development Director Stefanie Leif responded yes that is correct.
 - Councilmember Gardner asked but if they wanted to do that one hundred and fifty percent they would have to develop something themselves.
 - Community and Economic Development Director Stefanie Leif stated that is correct, they would be developing it themselves but then the maintenance would most likely be taken over by our Parks, unless there was another arrangement during that time.
 - City Attorney Gregory Robinson stated Kevin if I understood your question correctly, it seems that you have concerns like if there was another spot we had in mind where we would want something else as a park could the developer say hey I'll put it in over there if you give me the land, so to speak, instead of developing his.
 - Councilmember Gardner replied I was thinking more along the existing parks.
 - City Attorney Gregory Robinson stated ok, I don't think anything prohibits that, I think they could ask, because that saves them plans in their own development to develop, nothing that I saw in here prohibits that.
 - Community and Economic Development Director Stefanie Leif stated I would agree with that, it looks like there is that flexibility if someone wanted to bring that forward.
 - Mayor Kirby asked Brian, is there anything you want to add to this.
 - Planning Commission Chairperson Brian Schwanz replied no, Stefanie did a nice job covering it.

The motion was unanimously approved.

Structure Removal Cost Share Policy: Councilmember Studnicka moved to adopt the Structure Removal Cost Share Policy. Councilmember Garvey seconded the motion.

- Councilmember Gardner stated other than what I've brought up earlier, I think that if I'm reading this correctly, we are going to review each applicant individually and we'll know whether or not they should be able to handle it themselves.
- Community and Economic Development Director Stefanie Leif replied right, I'll review the changes that we brought forward since the August 18th meeting. One of them is exactly that, the City Council will actually be approving each of these, we had it in the last draft that staff would be the final approval, and in that case we would be bringing it forward in front of the City Council. We also made this a trial run, so basically December 31st of 2017 is when this policy would end, or this program would end unless it is renewed by the Council and budgeted for as well. And also based on discussion the Council had, we talked about reimbursement payments whether they could be made to the contractor instead of being made to the owner, that way the

owner wouldn't have to come up with the upfront total cost, and we did add in some language too that would accommodate for that, as long as we can prove that the owner has also made their payments to the contractor. I will mention we, Becky and I talked, and we thought it would be helpful if it would be ok to bring this forward to you this evening, is looking at what our demolition process over the years, we have had several properties that have gone through this process and they all have had different timelines that they have been under, different ways that they have been handled, and so walking through the process so you can see real world examples of what this process looks like, what we're dealing with as staff, so if it's the pleasure of the Council, I'd like to allow Becky to present that.

- Mayor Kirby stated sure.
- City Inspector Rebecca Savidge stated I just put together four examples of ones that I pulled from the file cabinet that I have done myself. The first one is voluntary demolition that just happened this year, at 104 South 3rd. What happened was he owns a property two doors down, I went to him, he was upgrading his electrical at that time at the property. While I was there, I mentioned to him that the other one was sitting vacant, I could start to see some wear on the roof, things like that. We talked, he said give me a little bit of time, so I went back and sent the letter that we have to notify them, to request an inspection. He and I did the inspection we talked about what the deficiencies were, he knew there was deficiencies there, so he voluntarily came in, paid the permit so that I could get the utility disconnects sent; that usually takes somewhere between two to three weeks, depending on how fast the utility companies can get in, that's phone, cable, water, gas, and electric. Once they send those back to me then we're allowed to proceed. He brought his contractor in, got licensed, and within three days, had it down, sewer capped, everything leveled and seeded and if you go by there it's just a vacant lot now. The other issue with this one was it was a non-conforming use, there were two structures on one lot, it was way back when. Example two is 1212 North 7th, this is one where it was owner and mortgage company owned, it was on the brink of being foreclosed on. We requested an inspection due to some conditions on the outside of the property, we went back and forth with the mortgage company and had to resend some letters because the mortgage company had changed from what the County actually had. When they did respond it went up for sale immediately and a contractor snatched it up and that's what we have here. This one took about eight months that is including the building permit stage. They got a variance to add that garage on the front, it was like eight feet out past the building set back line, but it made the property more marketable. So including all of it, it was about one hundred and eighty days and a very nice addition up there. Example three was way back in 2004, it was 110 East Kansas, it was a property that became vacant, and there was a lien holder on it. We went to the door to try to address some outside, when we got up closer to it at the doorway I felt like there was some more problems. I tried to contact both of them and got no reply for a request for an inspection, I got with the City Attorney we did an application for a warrant and we got in front of the Judge on April 7th and he executed the warrant on April 8th, which allows us to go into the property, make entry, and assess the property from inside. Once we got inside it was horrible, and I did bring the files in case anybody had any further questions. So we sent the thirty day letter that we are required to by state statute, sometimes it can take almost sixty days even though it is a thirty day letter, because the Post Office when you certify it tries to deliver it three times, which takes up to almost three weeks before they send it back, so by the time you get that process going that can be sixty days. We did the written resolution, set a public hearing date, still hadn't heard anything, they published it twice as per state statute. We did another one for the condemnation, that allows them to still come in and abate the deficiencies within ninety days, and that comes to you all, and when you approve those resolutions, that gives me the power after that ninety day waiting period to go in and take it down, and as you can see, I'm missing a zero, but on 11-05-2004 we received the disconnects back and within a week we took the structure down and we now have this. That last one, and this was one of the biggest ones, it was a constant code enforcement issue that I dealt with but actually the demolition started May 21st because of a fire; the Fire Department always notifies us. It didn't destroy the entire house, but once we got in there and looked at the fire damage there was a lot of other things wrong. She was on a fixed income and once we started that condemnation, and I've shortened it because the file is 'this' thick, we did the resolution for condemnation then a State Agency stepped in because she was low income and needed assistance. They kind of drug it out and drug it out, then they fixed stuff. Twice I had it in front of them and gave them extensions, the State Agency, and things like that. Finally, from start to finish, March 2004 a contractor offered them the right amount of money and we now have this.
 - Councilmember Trinkle stated that's right across from the Activity Center.
 - City Inspector Rebecca Savidge replied yes sir it is.
 - Councilmember Trinkle stated that one was on and on and on.
 - City Inspector Rebecca Savidge responded right, part of the problem was she ended up in an assisted living facility and we had to go through that way and they had to assign her a guardian. So those are all factors that can happen, and like I said I just wanted to take a minute of your time to show you factors, that even though we have ninety day publication, all these things can play into it: notification, mailings, publications, building permits, outside agencies, state

statutes, and warrants, all effect the outcome and timeline of demolitions. Are there any questions that I might answer, like I said, I did bring two of the biggest files with me.

- Mayor Kirby asked is there any more discussion on this?
- Councilmember McNeill responded yeah, I've got a couple of questions. We're proposing this as a cost share, I mean demolition I get that. On some of the demolition what was the cost to the City, that's what we're looking at what it costs the City to take the blights down and then we're saying hey when we pay for it we put a lien against your property, correct, and if they never really sell their property for another thirty years, we don't get any money. So our answer to that is we could help them take down the blights or the building that is falling in that could be a safety issue, and that would be better for both parties. Is that the whole jest of it?
 - Community and Economic Development Director Stefanie Leif replied yes the original reason for bringing this forward was as an incentive to owners to do this and expedite the process, and as Becky outlined some of these can drag on for more than a year. So our thought was instead of going this route if there is an owner that does have some money they can put into the demolition, this could really expedite it and get things moved up quicker than this process does.
 - City Inspector Rebecca Savidge stated if I could point out we've got one right now that is on this list, he's willing to do it himself he's just on a fixed income and it's taken him six months to pay the gas company the five hundred dollars so they'll release the disconnect. Because he's on a fixed income, this is something that would truly help him and it's at 109 North 4th. It's the one with the whole in the roof, he maintains the property, there has never been a code violation until the roof came in. But the gas company just notified me last week that he has finally got his five hundred dollars paid off and they'll release the utility.
- Councilmember Brungardt stated I'm struggling with the cost share and I need help, is there anything else you can tell me.
- Councilmember Garvey asked there is a four thousand dollar cap right.
 - Councilmember Brungardt stated right, I understand.
 - City Administrator Tim Vandall stated I guess one thing I would add, I think we focus a lot on the benefit to the property owner, and there is a big benefit to the property owner, but there is also substantial benefit to all of the neighbors, to the people who live next to it, to the people who drive by it every day. There's one of the five houses on here, thousands of people drive by every day. A couple of you guys are right, there is a big benefit to the property owner, but it really benefits the neighborhood and I think the City as a whole.
 - Councilmember Trinkle stated it effects the property value too doesn't it.
- City Attorney Gregory Robinson stated one of the things that is the ancillary costs that hasn't been discussed are the publication costs, attorney, legal fees to actually prosecute a condemnation action, so you might as well add about another twenty-five hundred to four thousand on top of that. So even if you paid it in full, you'll probably be money ahead, frankly, if you've got someone to voluntarily tear it down. If someone said to you, if you pay it to take it down you can take it down; if you pay that six to eight thousand, or whatever that cost, you're probably still money ahead in the long run if that person contested it.
 - City Inspector Rebecca Savidge stated I will tell you we got bids at the end of this past year, and with all the costs the gas company, everything, capping off the sewer once they got the structure down, it was over ten thousand dollars. When I started, it was thirty-five hundred.
- Councilmember Pawlowski stated whether or not we do the cost share, my feeling is that we have a number of properties that have been allowed to deteriorate, they didn't get that way over night, and I think that Don said this the last time we had this discussion, that we really need to get on top of our building code violations so we don't get to this point where we have all these properties with holes in the roofs and the other things we're dealing with. If we can just get on top of that and be more proactive, then we don't have to deal with this and we don't have to pay to take properties down.
 - City Administrator Tim Vandall stated hopefully though, if the Council approves this and we have some citizen participation in it, I feel like with forty thousand dollars and if there is a four thousand cap, if we can do ten in the next year I think we'll get pretty caught up. I really don't see this being forty thousand next year, I see it being five or ten thousand next year. Hopefully it's just a one to two year type of thing.
 - Councilmember Pawlowski stated I don't disagree with that I just, we just need to, you know what I mean.
 - City Administrator Tim Vandall replied agreed.
- Councilmember Gardner asked and this program ends December 31st of next year, what is the timeframe, is the application date going to be the deciding factor or the resolution date on; if we get stuck and we're in the middle of something on December 31st does it fall back on when they filed the application, or if they don't have it resolved by then, December 31st, are we going to adopt a different program and be bound by that?

- City Administrator Tim Vandall replied I suppose part of it is if there is only forty thousand dollars budgeted and we get fifteen applications, we're going to have to turn five people away, but if there is money available and someone applies on December 31st, I suppose part of that would depend on if there is money budgeted for 2018, if there is five thousand dollars in that line item for 2018 or zero. But it would go to you guys also, so that would be something that you guys would be able to consider.
 - Councilmember McNeill stated they are all going to come to us anyway for a vote, so we'll know by then whether we've got the money in the bank or if they are going to have to wait until next year until the next budget cycle.
- Mayor Kirby stated if word gets out that we're going to do this, are we encouraging people to just let it go, because if it gets bad enough the City is going to cough up, where some of these things that I've seen a minimum amount of maintenance through the years will have kept them from getting into the condition they are now. Some of them paint, every once in a while.
- Councilmember Brungardt asked what's about the average cost, I know it depends on the structure.
 - City Inspector Rebecca Savidge replied when I got those bids back in November it was ten thousand five hundred dollars. That is between the plumber capping it, the demolition crew hauling, and those kinds of things.
- Councilmember McNeill stated the opposite of that is we condemn these buildings we suck the cost up, correct. Ten thousand a piece and then we put a lien against the persons home, right. And sometime in the future we'll recoup money, if the house even sells for that by the time they sell the house.
 - Community and Economic Development Director Stefanie Leif stated one of the risk factors is if you do have a smaller lot and there is an absentee owner and it does go to a tax sale. Most likely it's not going to sell for ten thousand dollars, so we would lose those funds and we'd lose the Cities investment in that. To the Mayor's question, are we kind of encouraging people to let their properties go, I think that one of the advantages to doing this as a trial run is we really do clean up these initial really bad ones, and maybe there will be other people that come forward, properties that we may not have been aware of yet, to take advantage since there really is a short run on it.
- Councilmember Trinkle asked would it be maybe to have it fifty-fifty, where it would be a Council decision on whether to do it or not to do it or total teardown or cost share, they would come to the Council as a trial run?
 - Community and Economic Development Director Stefanie Leif asked for the actual amount to be more negotiable, is that your question?
 - Councilmember Trinkle stated yeah, like Tony was saying about not getting it all upfront or fifty-fifty, does that say certain procedures would be so many, trial run first year you qualify for the fifty-fifty, and then that way there's nothing that says they are going to be one hundred percent if they get a fifty-fifty.
 - Community and Economic Development Director Stefanie Leif stated the way the policy is written now is the maximum is four thousand dollars, so if the bids come back and it's only six thousand, we would only give three thousand to them, that's what the City would recommend to give, so that's how we do have it written now.
 - Mayor Kirby stated the way it's written we're capped at four.
 - Community and Economic Development Director Stefanie Leif replied right.
 - Councilmember Garvey stated or fifty percent.
 - Councilmember Pawlowski stated right.
 - Community and Economic Development Director Stefanie Leif stated yes, whichever is less.
 - City Attorney Gregory Robinson stated Mayor just to follow up on your comment, the thing you have to remember on these teardowns is that you have to get to the point where they are uninhabitable, just because it doesn't have paint on it doesn't mean you can tear it down.
 - Mayor Kirby replied I understand that, I fought one in my neighborhood for three years.
 - Councilmember Pawlowski stated I'm pretty sure none of these are habitable.
 - Mayor Kirby replied yeah, I am very much aware of what it takes to get it done and I'm not talking about houses that just need paint.
 - City Attorney Gregory Robinson stated I understand, I mean the comment about it drags out over the years.
 - Councilmember Pawlowski stated but it starts with paint.
 - Mayor Kirby stated it's the little things that add up is my point.
 - Community and Economic Development Director Stefanie Leif stated all the ones that are currently on our list, all of them are abandoned and none of those are habitable.

- Councilmember Gardner stated and what Tony was talking about, if we have to eat the whole cost, we also add those other costs in.
 - Councilmember Pawlowski stated we have to go to court.
 - City Attorney Gregory Robinson stated there can be other costs absolutely, and what the sad thing is what Stefanie said, eventually if the person doesn't pay for anything and the City pays one hundred percent, and then they never pay their taxes and it goes to the tax sale and is picked up for one dollar, well, we're out everything, we paid one hundred percent and got nothing.
 - Councilmember Pawlowski stated in Kansas City they end up with the properties, how is that.
 - Community and Economic Development Director Stefanie Leif stated I think they have a land bank.
 - City Attorney Gregory Robinson stated I don't know the ins and outs of that but you're right, they do get them.
 - Councilmember McNeill stated even if you inherit the property, you still have to knock it down or build on it or do something with it.
 - Councilmember Garvey stated but you could get your money back.
 - Councilmember Pawlowski stated you could turn it into a park or whatever.
 - Councilmember Trinkle asked Greg, say we come into a situation where he talked about inheriting, in probate, and sometimes probate can last how long, years, two or three years.
 - City Attorney Gregory Robinson replied no, unless you get extensions from the Court, I believe, I don't necessarily do probate, but it's either ninety or one hundred and eighty days to wrap up the probate estate, but again, there could be intervention by creditors if there is anything of value, there could be other family members.
 - Councilmember Trinkle stated then if you had two family members fighting that could interfere with us tearing one down, if it gets tied up in the courts, what do we do then.
City Attorney Gregory Robinson replied if you're talking solely about probate, then you have to wait, but if you're talking about an uninhabitable structure then the condemnation is just going to be able to proceed.
 - Councilmember Trinkle stated you can proceed even though it's in probate.
 - City Attorney Gregory Robinson replied yes.

The motion was unanimously approved.

Request for Special Use Permit – 110 N. Ethel Lane: Councilmember McNeill moved to approve the special use permit for 110 N. Ethel Lane. Councilmember Brungardt seconded the motion.

- Councilmember Gardner asked is there a limit on what you plan on doing there.
 - Animal Control Officer Dave Asmus responded they have their four animal limit through the City, that's their personal animals and the rescue sets a license on how many extra animals they have and I believe its two extra animals that they allow.
 - Applicant Melonie Thompson replied it would be two animals or a mother and her puppies.
- Mayor Kirby asked is there a timeline on how long you'll keep them.
 - Applicant Melonie Thompson replied for puppies it's two months.
 - Animal Control Officer Dave Asmus stated this is Melonie Thompson who submitted the application.
- Councilmember Garvey asked so what happens at the end of the two months if nobody picks up the animals.
 - Applicant Melonie Thompson replied what they do is they go back to the shelter, they don't like to put puppies into shelters because of the risk of parvo and them dying. The puppies are usually adopted out pretty soon, three of the puppies I have now are adopted, they just have to age out and then I just have two more left. If the puppies are not adopted they will go back to the shelter and they'll be adopted pretty quickly. Senior dogs are not adopted so quickly, there are adoption fairs that you take the pets to every weekend, and take them to nursing homes and things like that, so you have to advocate for the dogs, it's not just a matter of you taking them into your home and feeding them, you have to advocate for them so they can move on to families.
- Councilmember Trinkle asked who controls the timekeeping on how long you have a dog, is that a voluntary thing on your part.
 - Applicant Melonie Thompson replied that is correct, yes sir.

- Councilmember Gardner asked so if you take one in on Monday you don't have to let anybody know or register that you do have an animal.
 - Applicant Melonie Thompson replied no sir, actually, I do have to register. Unleashed requires for me to take a copy of the foster information and bring it to Animal Control. They like to know that I've made contact with them and make a copy that shows them the animals are current on immunizations that are applicable, and that I would have an extra set of puppies or whatever. Because the turn around with Unleashed is very quick, I may only have a dog twenty-four hours or seventy-two hours, then the dog will have already found a home or move on to another rescue.
 - Animal Control Officer Dave Asmus stated as far as a City license, they are not required, for the animals that are on the permit for the rescue, they are not required to license them with the City because it is so short term.
- Mayor Kirby asked are they required to have their shots.
 - Applicant Melonie Thompson replied yes sir, absolutely.
- Councilmember Gardner asked and where do they go after two months, Kansas City?
 - Applicant Melonie Thompson replied they are adopted out or they go to Mission. Unleashed Rescue is in Mission, Kansas.
- Councilmember Trinkle asked so if the permits approved what's the total number, unless a momma has babies.
 - Councilmember Garvey stated six total.
 - Councilmember Trinkle stated six but it could go to ten if they have pups, right.
 - City Attorney Gregory Robinson stated but puppies are only counted as one.
- Councilmember Trinkle stated and you said there is time limit on that too.
 - Applicant Melonie Thompson replied two months, yes in two months the puppies will have to go. On this piece of paper, the puppies that I have on 10-7 the puppies will go into surgery and get neutered or spayed, and then they will go to the shelter to be adopted.
- Councilmember Garvey asked no other animals, just the dog's right.
 - Applicant Melonie Thompson replied that is correct.
- Councilmember Pawlowski asked did we do a foster one lately.
 - Mayor Kirby replied yes, we have already done this.
 - City Clerk Sarah Bodenstener stated last year the Council did approve a family for more than four animals and it did include fostering as well.
 - Animal Control Officer Dave Asmus replied I believe that was down on Fawn Valley.
- City Attorney Gregory Robinson stated you can check out Unleashed pets online by the way, fortunately or unfortunately, I've got two dogs from there.
 - Mayor Kirby stated we have enough information here.
- Councilmember Studnicka asked do you have chickens.
 - Applicant Melonie Thompson replied I do not. I apologize I was not here at the meeting last time, I was on vacation with my children in Myrtle Beach for five weeks, so I was unable to make that meeting sir.
 - Councilmember Studnicka stated the reason I ask that question is your statement here that I am reading says I was not aware I needed a special permit for my chickens or my dogs.
 - Animal Control Officer Dave Asmus stated that was for the last permit we brought forward for more than four animals.
 - Mayor Kirby asked so the chickens are gone.
 - Animal Control Officer Dave Asmus replied the chickens are gone.
- Councilmember Pawlowski stated so the total dogs you can have is six plus puppies.
 - Councilmember Gardner stated right, at one time.
- Animal Control Officer Dave Asmus stated we also have Mr. Lonnie Nelson here who has a couple concerns.
- Councilmember Gardner asked and the puppies also fall under that two months.
 - Applicant Melonie Thompson replied yes that is correct, yes.
- Mayor Kirby stated we have one neighbor that objects and one neighbor that doesn't. Is the neighbor that doesn't object here?
 - Animal Control Officer Dave Asmus replied no.
 - Mayor Kirby asked and the neighbor that does object is here.
 - Animal Control Officer Dave Asmus replied yes.
 - Mayor Kirby stated if we're done with Ms. Thompson we'll hear from the neighbor.
 - Applicant Melonie Thompson stated thank you.
- Neighbor Lonnie Nelson stated good evening Mayor and City Council members, I stand before you today much like I did on June 16th to contest the special use permit. Last time the request was denied and shortly

after the neighbors did get rid of the chickens, but the number of dogs has fluctuated between four and six. I emailed Mr. Vandall on July 19th to state that the residents had six animals. On July 25th, Officer Asmus, I received an email from him stating the residents did have five animals but two were scheduled to be euthanized so they technically had three. Then again on August 1st, I filled out a City fix it form because they were once again at six animals and received no feedback. I was contacted by Officer Asmus stating that the neighbors had requested a permit. Then on the 18th I met with him personally and pointed out piles of dog excrement in the backyard that I had taken pictures of and showed him and the Captain that was with him, and I was also informed during this time that they had been fostering dogs for quite some time. Upon looking at similar foster care programs I have a few concerns. Similar foster care programs state pets will be maintained within accordance to City, State, County, and Municipal laws. By keeping over four animals on a pretty constant basis, municipal laws were not followed. Also in similar waivers it states that the Agencies cannot guarantee the temperament of the animals. Furthermore, according to 2007 study conducted by the Department of Law of Michigan State University, loud animals, for example dogs, decrease property value five to ten percent. A reason this is a concern is there are currently two houses for sale on North Ethel Lane, the street where we live. In closing I would like to ask this Council to deny this special use permit, furthermore, I would like to ask the Governing Body to address to continual violations of the four dog limit.

- Councilmember Pawlowski asked do the dogs stay outside.
 - Neighbor Lonnie Nelson replied periodically throughout the day, I assume so, I don't know.
 - Councilmember Pawlowski asked when you're home, because you work during the day, when you're home in the evening, do the dogs bark.
 - Neighbor Lonnie Nelson replied yes ma'am. There is a particular shepherd that barks about the whole time I'm outside.
- Councilmember McNeill stated I can address the over the dog limit issue if you'd like, which is a lot of people aren't aware of it until something is brought up. Just like we run into people who move into town and they never did get their dog licensed, even though that's a City Ordinance. You're not supposed to blow your grass out into the street, you see that all over the place and we can go around and give people fines for things like that. The Special Use Permit is for this kind of situation, they didn't know it, so they have to ask for a permit for that, they have to pay for it. The other thing with the Special Use Permit is even if we give her a Special Use Permit, if there are complaints and violations, we can pull it at any time. My view on these situations is if there isn't a police report, the Police don't bring this to us and say hey this person has asked for Special Use Permit and here's all the times that we had to go there and here's all the complaints, I'd typically deny it if it comes to us like that. If it doesn't come to us like that, the inspection is clean, we normally give people a chance. That's my explanation of why a lot of times Special Use Permits are requested, people just don't know the ordinances.
 - City Administrator Tim Vandall stated I would agree that, and I partially agree with what Mr. Nelson said. He did contact me and tell me they were at five dogs, but we sent Dave out there and Dave verified with the Vet that two of them were going to be euthanized and we didn't feel it necessary for them to remove two dogs from their house one week before they were going to euthanized.
- Councilmember McNeill stated we have voted on this Council for people who have an extraordinary amount of dogs who are really close to their dogs and we've had to say hey, you're causing way too many problems in the neighborhood, we're getting way too many complaints, your animals have to go, personally that's hard to do, a lot of these people that's part of their family, so we have to make the hard decision either way a lot of times.
- Councilmember Pawlowski stated he complained about the dog excrement in the back yard, did you see that, is it a problem?
 - Animal Control Officer Dave Asmus replied when I walked through the backyard, and you've got pictures of the backyard, there wasn't large amounts, where he was talking about was back in the very back corner of the fence where they meet, I didn't walk all the way back to the corner, so I didn't notice that little pile in the corner, but for the rest of the yard there wasn't that much in the yard at all.
 - Neighbor Lonnie Nelson stated there are times on sunny days it slaps you in the face when you're in the backyard.
- Councilmember Garvey asked and you have a dog too right.
 - Neighbor Lonnie Nelson replied I have a dog.
- Mayor Kirby stated you see that's part of the problem, you're complaining about her dogs and she's complaining about your dogs, I don't know what the answer is.
 - Neighbor Lonnie Nelson stated I've never had anyone come over and complain about that dog.
 - Mayor Kirby stated Mr. Nelson says my dogs are the problem, but his dogs bark all the time, they chew on my privacy fence, they run the fence with my dogs, and they dig. I've had to put up a double sided fence so that they will stop poking their heads on my side.
- Animal Control Officer Dave Asmus stated the fence between their two yards has been repaired.
 - Councilmember Garvey stated we can see that in the pictures.

- Neighbor Lonnie Nelson stated I think I submitted pictures of them trying to dig under my fence last time I was here, and speaking of which, I actually approached the Thompsons and said hey let's build a new fence and split the cost and do this thing right and do the panels close enough so the dogs can't see each other and we won't have these issues, I received no response.
- Councilmember Pawlowski asked if we were to approve this, it's for a year or is it until the end of this year.
 - Councilmember McNeill stated it's till it gets violated and we need to pull it.
 - Animal Control Officer Dave Asmus stated the rescue permit renews annually unless there are complaints on it.
- Councilmember Trinkle stated if the complaints come in do you document the complaints.
 - Animal Control Officer Dave Asmus replied yes sir.
 - Councilmember Gardner asked if a complaint comes in then you go in and investigate.
 - Animal Control Officer Dave Asmus replied yes sir.
- Councilmember Pawlowski asked but that's a year thing, we do that every year.
 - Animal Control Officer Dave Asmus replied every year we do an inspection to renew their permit for more than four animals, but I only do other inspections when they come in.
 - Councilmember Pawlowski asked but the Special Use Permit is a year.
 - Animal Control Officer Dave Asmus replied the rescue permit is good as long as the rescue renews it.
 - Councilmember Pawlowski stated but I'm talking about for us.
- Councilmember Gardner stated the Special Use Permit is every year.
 - Councilmember Garvey stated there is a Special Use and a Variance so there are two different ones. There is the Variance for the four dogs and the Special Use for the two dogs.
- Councilmember McNeill stated I think what you're asking is if the permit is good for a year, and then they have to come in and reapply for a renewal.
 - Councilmember Garvey stated that's just for the Variance on the four dogs.
 - Animal Control Officer Dave Asmus replied for the more than four animals.
 - Councilmember McNeill stated right, which is all we're voting on, we're not voting on the adoption.
 - City Clerk Sarah Bodensteiner stated Mr. McNeill I'm going to clarify the answer for this question. The Special Use Permit is an annual permit that comes to the Council every December, so it would come back in December of this year and if approved again, it would be until December 31st of next year, but the length of the permit is one year.
 - Councilmember Pawlowski asked so for now until the end of December and then we renew them all.
 - City Clerk Sara Bodensteiner replied yes, you would renew them all, because we've got about six or seven and they all come back in December to be renewed by the Council for the following year.
 - Councilmember Pawlowski asked so this one would be for four months.
 - Councilmember McNeill replied yes it is for four months, but it could be pulled the next meeting. That was the point that I was making.

The motion was approved, with Councilmember Studnicka and Pawlowski voting against the motion.

REPORTS:

Department Heads: Public Works Director Jeff Rupp advised that he and City Engineer Matt Harding had met with the design company in charge of the re-design of DeSoto Road. Representatives from Professional Engineering Consultants briefed the Council on the status of the re-design for the DeSoto Road project.

Community and Economic Development Director Stefanie Leif advised that the Museum is hosting a reception for its new exhibit on Saturday at the Lansing Museum.

City Attorney: City Attorney had nothing to report.

City Engineer: City Engineer had nothing to report.

City Administrator: City Administrator Tim Vandall advised that the Mill and Overlay portion of the summer project is complete and that we came in under budget and will be looking at adding Olive Street to the project. He also mentioned that the City has been asked to put up a recognition sign and will be working on a draft policy to present in

the future in order to handle those requests. Letters are being sent to homeowners and companies regarding grass being blown into the street and gutters and that is a code violation.

Governing Body: Councilmember Gardner thanked those who presented this evening and congratulated Sunshine Petrone on her achievement.

Councilmember Pawlowski announced that City Administrator Tim Vandall is a new dad again, and Lansing has a new resident.

Councilmember Garvey wished Police Chief Steve Wayman a Happy Birthday.

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 8:03 p.m.

ATTEST:

Louis E. Kirby, Mayor

Sarah Bodensteiner, City Clerk

AGENDA ITEM

TO: Mayor Gene Kirby, Lansing City Council
FROM: Tim Vandall, City Administrator 
DATE: September 1, 2016
SUBJECT: Leavenworth County Humane Society

Included on the agenda is a proposed contract with the Leavenworth County Humane Society to work with the City of Lansing for our animal impound services. This agreement would decrease our per-animal impound charge from \$50 to \$30, per animal, thus if we impound 100 animals per year it would amount to savings of \$2,000. Additionally, this location should save our staff some time since the location is in Lansing. This agreement is not exclusive, so if LCHS is full or if there are other issues we can still take our animals to the Leavenworth animal impound.

City Attorney Gregory Robinson ESQ has reviewed the contract.

Action: Approval of the contract with Leavenworth County Humane Society, as presented.

Contract for Animal Sheltering Services

This contract, made this _____ of September, 2016, by and between the City of Lansing, KS, hereinafter called "the City," and Leavenworth County Humane Society, Inc. or its successors, executors, administrators, assignees, hereinafter called "the Contractor."

Witnesseth: That for and in consideration of payments set forth in Section IV below, and the mutual promises contained herein, the parties agree as follows:

I. Contract Documents

The following contract requirements are hereby agreed to by the parties. Where there is conflict between the requirements of State and City law, and the requirements set forth below, the law shall take precedence and govern.

II. Contractor Work Requirements

- A. It is agreed that the service to be performed under this contract is to provide pet animal sheltering services (as herein defined).

The Contractor agrees that all pet animal sheltering services performed for the City / County shall be performed in full compliance with applicable Federal, State, and City laws, regulations and guidelines for such services.

All records, reports, and documents relating to this contract shall be maintained by the Contractor for a period of five (5) years following termination of the contract.

- B. The Contractor agrees to provide the following pet animal sheltering services:

The Contractor agrees to operate and maintain the shelter facility in accordance with the Kansas Department of Agriculture, Division of Animal Health regulations and the Kansas Pet Animal Act or their successors.

The Contractor shall impound pet animals apprehended in the City's jurisdiction by animal control officers or other authorized employees of the City in accordance with the laws and regulations of the state of Kansas.

The Contractor shall provide unobstructed access to impound areas to appropriate, designated City employees through a controlled entry system. Designated City employees shall maintain control of their access and not

share such access with any other persons without the express written permission of the Contractor.

The Contractor shall provide adequate food, water, shelter, space, care, treatment and transportation to pet animals housed at the shelter as required by the Kansas Pet Animal Act and implementing Kansas Department of Agriculture regulations.

The Contractor shall provide a system for monitoring medical and other information on each sheltered pet animal.

The Contractor shall provide a personnel notification list to the City for emergency contact of shelter management outside regular business hours.

B. Impoundment of Pet Animals

The Contractor shall be responsible for the enforcement of the 10-day period of quarantine for any pet animal which has bitten a person, as directed by the Kansas Department of Health and Environment.

The Contractor shall be responsible for arranging the humane euthanasia of pet animals in its care using means approved by the State Veterinarian if euthanasia is required for reasons of public safety or welfare, or when a pet animal is judged to be irremediably suffering. City shall reimburse Contractor for euthanasia costs not to exceed \$50 per pet animal.

The Contractor shall maintain all necessary records and reports of pet animals impounded at the shelter as required by the Kansas Pet Animal Act.

The Contractor shall, upon request, furnish impounded pet animal information in its possession and shall cooperate with law enforcement in the enforcement of laws prohibiting cruelty.

When the ownership of a pet animal is ascertained, the Contractor shall make reasonable effort to notify the owner within 24 hours of the pet animal's impoundment. Pet animals will be released to owners upon proof of payment of any required licensing / impound fees / court fines assessed by the City.

Ownership of an impounded pet animal transfers to the Contractor upon the 4th business day of impound. Until that point, the pet animal is assumed to be the property of the City where it was apprehended.

Veterinary treatment necessary for the care of the pet animal and the overall health of the facility pet animal population will be provided based on assessment by the Contractor. City shall reimburse Contractor for veterinary care necessary to sustain life or relieve suffering of any pet animal during an impound period.

For purposes of this contract, "pet animals" shall exclude cats which based on their behavior are determined by the Contractor to be free-roaming or feral. These cats should be sterilized, vaccinated, and returned to their outdoor homes. Contractor will assist with trap/neuter/return for feral, free-roaming cats.

C. Costs of operation, expenses of Contractor, and expenses of the City

The Contractor shall maintain adequate supplies for the performance of its obligations under this contract.

The Contractor shall provide a general liability and property damage policy of \$500,000 per person per occurrence, naming the City/County as additional insureds, as well as any other insurance required for operation.

All donations or grants of any kind for care of shelter pet animals or for the Contractor, shall be considered the sole and exclusive property of the Contractor, and if received by the City such donations or grants shall be promptly forwarded to the Contractor.

D. Meetings and other requirements

The City shall appoint an individual to serve as liaison with the Contractor's Director for the purpose of reviewing all matters related to this contract. This individual shall be a person designated as the City's animal control authority. At least once per quarter, the Director and the City animal control authority shall meet to carry out these duties.

III. Period for contract performance

The initial term of this contract is from September 1, 2016 to June 30, 2017. Thereafter, the period of the contract shall be 2 years.

IV. Contract cost

The fixed price shall be firm for the term of the contract, and shall be per pet animal impounded. The fixed price per pet animal is a \$30.00 intake fee plus \$20.00 per day through end of impound period. Litters of pet animal kittens or

puppies less than 8 weeks of age shall be counted as one animal for billing purposes.

The parties reserve the right to negotiate mutually agreed rates for other future specified services which shall be considered as a change order to the contract. Any change orders shall be in writing and incorporated into this agreement by reference.

V. Personnel authorized to represent the parties:

City/County_____

Contractor _____

VI. Tax requirements

By executing this contract, the Contractor agrees to comply with the laws, regulations and rulings of the United States Internal Revenue Service related to filing requirements, including IRS Form 1099.

VII. Payment Terms

The City shall pay the Contractor within 15 days of monthly invoice.

VIII. Termination and Default

Upon mutual agreement, the City/County or Contractors may terminate this contract, by providing 90 calendar days written notice to the other party. The Contractor shall be paid for its work performed up to the date of termination under the contract.

VIII. Indemnification, Limitation of Liability and Notice

Contractor shall be responsible for, shall defend against and shall indemnify and hold the City harmless against any and all suits, claims, demands, losses or actions made against the City based upon, arising from or incident to the provision of services by the Contractor under this agreement. This indemnification does not include indemnification for claims based upon the alleged unconstitutionality or invalidity of any provision of the state or city codes pursuant to which the Contractor acts.

IX. Warranties

Each party to this contract warrants the following:

- A. This contract constitutes a valid, binding and enforceable agreement of the party;
- B. The execution of this contract and the performance of its obligations are with the parties' powers; have been authorized by all necessary action on behalf of the party; do not constitute a breach by the party of any agreement with another party; and will not cause a breach by the party of any duty arising at law or in equity; and
- C. The party possesses the financial capacity to perform all of its obligations under this contract.

The parties agree that the failure of any of the above representations and warranties to be true during the term of this contract shall constitute material breach and the non-breaching party shall have the right, upon notice to the breaching party to immediately terminate the contract. All amounts outstanding hereunder shall be immediately due and payable. Court costs and other costs and expenses, including reasonable attorney's fees incurred in collection of any amounts due hereunder, may also be recovered by the non-breaching party.

X. Severability

Should any provision of this contract be declared invalid for any reason, such decision shall not affect the validity of any other provisions, which other provisions shall remain in force and effect as if this contract had been executed with the invalid provisions eliminated and it is hereby declared the intention of the parties that they would have executed the other provisions of this contract without including therein such provisions which may for any reason be hereafter declared invalid.

XI. Non-waiver

The failure of the Contractor or the City to exercise any right, power or option arising under this contract or to insist upon strict compliance with the terms of this contract shall neither constitute a waiver of the terms and conditions of this contract with respect to any other or subsequent breach thereof, nor a waiver by Contractor or the City of their respective rights at any time thereafter to require exact and strict compliance with all the terms hereof.

XII. Survivability of Payment Obligations, Rights and Remedies

Provided the Contractor has not defaulted in the performance of its obligations under this contract, the obligation of the City or its participating departments to make payments as herein set forth shall continue until fully performed. Any rights and remedies the City or the Contractor may have with respect to each other arising out of either party's performance of services or obligations hereunder shall survive the expiration or termination of this contract.

XIII. Relation to the City

In performing services under this agreement, the Contractor shall be an independent contractor for the City, and neither the Contractor nor its employees / volunteers shall, under any circumstances, be considered employees, servants or agents of the City.

XIV. Title VI Requirements

During the performance of this contract, the Contractor, for itself, its assignees and successors in interest agrees as follows:

1. **Compliance With Regulations** – The contractor shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of United States Department of Transportation (USDOT), Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination** – The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of sub-contractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontracts, Including Procurement of Materials and Equipment** – In all solicitations either by competitive bidding or negotiations made by the Contractor for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the Contractor of the

Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex, or national origin.

4. **Information and Reports** – The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the contracting agency or the appropriate federal agency to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to KDOT or the USDOT as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance** – In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the contracting agency shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to:
 - a. Withholding of payments to the Contractor under the contract until the Contractor complies, and/or;
 - b. Cancellation, termination, or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions** – The Contractor shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontractor or procurement as the contracting agency or USDOT may direct as a means of enforcing such provisions including sanctions for noncompliance.

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the Contractor may request KDOT enter into such litigation to protect the interests of the state and, in addition, the Contractor may request the USDOT enter into such litigation to protect the interests of the United States.

XV. Signatories

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Beth Sanford, Finance Director 
DATE: September 8, 2016
SUBJECT: Approval of Audit Ending December 31, 2015

Wendling, Noe, Nelson, and Johnson, LLC audited the financial statements for the City of Lansing for the year ended December 31, 2015. Copies of the final audit were distributed to the Mayor and council at the August 6 council meeting.

Mr. Brian Nyp, a representative from Wendling, Noe, Nelson, and Johnson, LLC, will present to give a brief overview of the audit and answer any questions.

Action:

Staff recommends a motion to approve the final audit for the City of Lansing for the year ended December 31, 2015.

AGENDA ITEM #

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AGENDA ITEM

TO: Gene Kirby, Mayor; Lansing City Council
FROM: Tim Vandall, City Administrator 
DATE: September 14, 2016
SUBJECT: Request for Use of Bernard Park

Explanation. We received a verbal request last week from the University of St Mary to use Bernard Park for the KCAC conference cross country meet on Saturday, November 5. We received the written request on 9-14-16. Since our next council meeting will not be until October 6, we wanted to put this on the agenda as soon as possible. Staff believes this will be a great chance to showcase Bernard Park, as well as bring people in attendance for the cross country meet to local businesses.

Action: Motion to approve special event application.



CITY OF LANSING

PARKS SPECIAL EVENT

PERMIT APPLICATION

Individual's Name Applying for License: Alstin Benton Date: 9/14/2016

Daytime Phone Number: 913.702.5115 Evening Phone Number: 913.702.5115

Business/Organization Name (if applicable): University of Saint Mary

Address: 4100 South 4th Street Leavenworth KS 66048
Street Address City State Zip Code

Event Location: ☐ Lost 80 Park, 1122 East Mary Street ☐ Woodland Gazebo, 150 Woodland ☐ Willow Park, 127 W. Gilman Road
☐ Highland Playground, 217 Highland ☐ Kelly Grove Park, 320 East Gilman Road ☐ City Park, 400 N. 2nd Street
☒ Kenneth W. Bernard Park, 15650 Gilman Road

Description of Event: See Attached File

Date(s) of Operation: November 5th, 2016 Hours of Operation: 7AM - 1 PM

Anticipated Attendance: 150 Athletes + 150 fans State Tax Numbers: Federal Tax Numbers:

Description of any structures to be used in conjunction with event: See Attached File

All requests for exceptions to the regulations set forth in the Code of the City of Lansing, Chapter 13: Parks and Public Property, Article 1. Park Regulations, shall be referred to the Governing Body for approval or disapproval. Such permit may be subject to such conditions and safeguards as the Government Body may deem necessary to protect the public health, safety and welfare. These conditions may include but shall not be limited to:

- A. Restrictions on the hours of operation, duration of the event, size of the activity or other operational characteristic.
- B. The posting of a performance bond to help ensure that the operation of the event and subsequent restoration of the site are conducted according to Government Body expectations.
- C. The provision of traffic control or security personnel to increase the public safety and convenience.
- D. Obtaining liability and personal injury insurance in such form and amount as the Government Body may find necessary to protect the safety and general welfare of the community.

An application shall be accompanied by the following items as applicable:

1. Proof of liability insurance in the amount of \$1,000,000.00.
2. A sketch plan showing to scale the location of the proposed activities and structures in relation to existing buildings, parking areas, streets and property lines as shown on the approved site plan. In no event shall structures or display areas be located any closer than 25 feet to public right-of-ways adjacent to the property.
3. A separate application will need to be made to the Community Development Division for any signs to be displayed in conjunction with the special event. In no event shall signs be displayed on the public right-of-way. Signs for commercial activities shall only be displayed during hours of operation.

Signature of Applicant: Alstin Benton Date: 9/14/2016

The following departments have reviewed this application for compliance with the Code of the City of Lansing, Chapter 13: Parks and Public Property, Article 1. Park Regulations.

Police Department Signature: Date:

Community Development Signature: Date:

Parks & Recreation Department Signature: Date:

City Clerk's Office Signature: Date:

Description of Event:

College Conference Cross Country Meet

KCAC Conference Cross Country Championships – 12 Teams racing per gender

Men and Women race with 7-10 participants for each gender per team. Women race – 5k, Men race 8k.

We would like to use current available parking and the course that is already mowed and available.

Bus Parking would be at the University of Saint Mary.

Would like to be able to set up course markings – paint lines, put cones, flags - starting Thursday, Nov. 3rd.

The KCAC Conference generally charges for admittance to cover expenses associated with the meet.

We will provide 12 portable bathrooms for the event.

We are willing to mark off areas of concern to stop participants and spectators from going in those areas, such as native grass.

Description of Structures to be used in conjunction with event:

Timing Tent for the timing system – Pop-up tent and table with timing equipment

DJ Trailer for entertainment – Small pull behind trailer with speakers

T-Shirt Trailer to sell Conference T-Shirts – small pull behind trailer and tables



AGENDA ITEM

TO: Members of the Governing Body
FROM: Tim Vandall, City Administrator
DATE: September 9, 2016
SUBJECT: Executive Session – Consultation with Attorney

Staff is requesting an executive session for attorney client privilege with the governing body, City Administrator, and City Attorney.

Action: Motion to recess into executive session for attorney client privilege for 15 minutes with City Administrator and City Attorney.



Proclamation

Whereas, The city of Lansing, Kansas hopes that all of its citizens enjoy healthy, productive and meaningful lives; and

Whereas, The United Way of Leavenworth County advances the common good by creating opportunities for a better life for everyone; and

Whereas, The United Way of Leavenworth County focuses on education, income and health - which are building blocks for a good quality of life - because we all win when a child succeeds in school, when families are financially stable, and when people are in good health; and

Whereas, It takes every part of the community - individuals, businesses and organizations - to supply the passion, expertise and resources needed to create lasting change for the better; and

Whereas, The United Way of Leavenworth County conducts its annual campaign during the months of September and October to unite the community and enhance the lives of those living in Lansing, Kansas;

Now, Therefore: I, Louis E. Kirby, Mayor of the City of Lansing, in the State of Kansas, do hereby proclaim the months of September and October 2016 as

United Way Months

in the City of Lansing, Kansas.

In witness thereof, I have hereunto set my hand and caused the official seal of the City of Lansing, Kansas, to be affixed on this the 15th day of September, in the year Two-Thousand Sixteen.

City of Lansing

Louis E. Kirby, Mayor

Sarah Bodensteiner, City Clerk

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City of Lansing
800 First Terrace
Lansing, Kansas 66043

City of Lansing Recognition Sign Policy

In an effort to standardize the rules for recognition signs while entering Lansing city limits, the below policy is established;

- 1) The honoree should have either been born, raised, or have had a long-time presence within Lansing. Achievements include, but are not limited to, civic, academic, artistic, entertainment, athletic, or military. In the case of athletic achievements through the Lansing School District, only team sports and events will be recognized. Other applicable service or distinctions may be approved by the City Council on a case-by-case basis.
- 2) No specific time frame will be placed on the length of time a sign is erected. If a time comes when the signage needs to be removed because of damage, excessive use of signage or improper placement, the City Council can elect to do so without the need for justification.
- 3) In order to ensure compliance with State and Federal regulations, signs will be ordered and erected by the City of Lansing. The City Council may request the applicant to reimburse some of the costs of the sign.
- 4) To request the placement of a recognition sign in the City of Lansing, the requesting individual or representative of the honoree, should formally submit their request in writing to the City Council or City Administrator and provide background and justification as to why a recognition sign is warranted.

Lansing Police Department
Vehicle Fleet End of Month Report

Sep-2016

Unit	Year	Make/Model	Mileage as of 08/01	Mileage as of 09/02	Miles Driven	Current Use	Future Use	Comments
1	2013	Ford Explorer	51497	52426	929	Patrol	Patrol	Fit for patrol duty
2	2012	Dodge Charger	24117	24830	713	Sergeants	Sergeants	Limited Use - Sergeants
3	2015	Ford Explorer	13064	13875	811	Patrol	Patrol	Fit for patrol duty
4	2015	Ford Explorer	9098	9726	628	Patrol	Patrol	Fit for patrol duty
5	2012	Dodge Charger	18800	19461	661	Captain	Captain	Limited Use - Captain
6	2013	Ford Explorer	35375	36304	929	Patrol	Patrol	Fit for patrol duty
7	2011	Dodge Charger	94007	94104	97	Detective	Detective	Limited Use - Detective
8	2011	Dodge Charger	62102	63328	1226	Patrol	Patrol	Fit for patrol duty
9	2012	Chevy Tahoe	72460	73791	1331	Patrol	Patrol	Fit for patrol duty
10	2011	Dodge Charger	31280	31739	459	Chief	Chief	Limited Use - Chief
11	2003	Ford F150	73978	74022	44	Animal Control	Animal Control	Fit for Animal Control duties
13	2010	Dodge Charger	87185	88412	1227	Patrol	Patrol	Fit for patrol duty
14	1995	Ford EOC Vehicle	162138	162138	0	EOC	EOC	Limited Use - EOC
15	2016	Dodge Charger	1760	2563	803	Patrol	Patrol	Fit for patrol duty
17	2016	Dodge Charger	1606	2449	843	Patrol	Patrol	Fit for patrol duty
					0			
				Mileage Total:	10701			

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Lansing Public Works Department**Monthly Fleet Report**Month August Year 2016**Vehicles**

Year	Make	Model	Description	Mileage Starting	Mileage Ending	Miles Driven	Comments
2008	Ford	LT	LT. Pick-up Ext	49,956	49,997	41	
2007	Ford	LT	LT. Pick-up Ext	32,502	33,067	565	
1998	Ford	1/2 ton	Pick-up	58,631	58,834	203	
2001	Ford	Ranger	LT. Pick-up Ext	114,465	114,809	344	
2005	Ford	Ranger	LT. Pick-up Ext	38,188	38,399	211	
2000	Ford	Explorer	SUV	181,915	182,354	439	
2005	Sterling	LT 8500	Dump Truck	46,101	46,145	44	
2007	Elgin	Crosswind J+	Street Sweeper	4,946	4,946	0	
1992	Ford	700	Dump Truck	62,580	62,580	0	
2000	Ford	F350 4x4	Pick-up Utility	93,904	94,103	199	
2002	Ford	F350 4x4	Dump Truck	69,334	69,488	154	
2011	International	7400	Dump Truck	10,454	10,518	64	
2016	Ford	F350 4x4	One-ton Dump Truck	464	544	80	
2006	Dodge	Charger	Sedan	120,107	120,283	176	

Equipment

Year	Make	Model	Description	Hours Starting	Hours Ending	Hours Used	Comments
1997	JD	770BH	Grader	4,967	4,969	2	
2004	IR	DD-24	Asphalt Roller	246	248	2	
2006	IR	185	Air Compressor	166	167	1	
1993	Ford	5030	Tractor	407	407	0	
1997	Bobcat	763	Skid Steer	1,984	1,999	15	
2014	Case	580 SNWT	Backhoe	411	418	7	
2002	Crafco	110	Crack Sealer	748	748	0	
2003	Kubota	L3710	Tractor	1,431	1,431	0	
2009	Case	465	Skid Steer	501	507	6	
2004	Case	621D	Front Loader	2,013	2,013	0	at wastewater plant

Aug-16

City Influent	33.53 MG	City Avg Daily	1.08 MG
LCF Influent	15.28 MG	LCF Daily Avg	.493 MG
Total Biosolids	1.17 MG	Precip	6.78"

Vehicles

Year	Make	Model	Description	Mileage Start	Mileage Ending	Miles Driven	Current Use	Comments
1995	Dodge	3500	Flatbed Truck	87334	87345	11	Collection System	
1999	Sterling	Vactor	Jet Truck	8018	8030	12	Collection System	
2002	Ford	350	Pick Up Truck	88435	88710	275	Ops/Maint.	
2006	Ford	Cr Vic	Sedan	145448	146058	610	Ops/Maint.	
2005	Ford	550	Flatbed Truck	41352	41422	70	Ops/Maint.	
2005	Freightliner	M2106	Dump Truck	17605	17712	107	Biosolids Disposal	
Total						1085		

Equipment

Year	Make	Model	Description			Hours Used	Current Use	Comments
1991	Case	1825	Uni-Loader	936	936	0	Plant Activities	
1999	Sterling	Vactor	Jet Truck	2211	2215	4	Collection System	
1999	Aries	Saturn III	Camera Trailer	339	342	3	Collection System	
2004	John Deere	7920	Tractor	1095	1102	7	Biosolids Disposal	
2005	Polaris	Ranger #1	Utility Vehicle	1054	1068	14	Operations	
2004	Case	621D	Loader	2145	2146	1		
2005	Polaris	Ranger #2	Utility Vehicle	994	1001	7	Maintenance	
2006	JCB	531-70	Telehandler	492	502	10	Plant Activities	

25 July

Dear Police Chief.

Thank you for coming
to New Beginning Church
Sunday. It was nice to
meet you, we appreciate
all you do for our
community.

I did want to
clarify that the police
man that assisted me
was Kyle Hariss #1534
Marjorie Mann

Just a note
to remind you
how much
you're appreciated.

DEAR CHIEF WAYMAN,

THANK YOU FOR SUPPORTING THE BACK
THE BLUE EVENT HELD FRIDAY AUGUST 12TH
IT WAS AN INCREDIBLE SHOWING OF APPRECIATION
FOR OUR LAW ENFORCEMENT COMMUNITY IN
LEASERVILLE COUNTY.

YOUR PARTICIPATION IN THE FIRST BTB EVENT
WAS PARAMOUNT TO ITS OVERALL SUCCESS!

THANKS AGAIN & GOD BLESS!

REB. Tony Breaux