



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

COUNCIL AGENDA
Regular Meeting
Thursday, April 1, 2021
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.

*In accordance with Kansas Open Meetings Act (KOMA), the meeting can be viewed via YouTube at www.lansingks.org/live and will be available for viewing on Spectrum Cable Channel 2 the following day. The public is encouraged to view the meeting using one of those options. The Lansing City Council meeting is open to the public with limited seating capacity. To mitigate the spread of COVID-19 face coverings and social distancing is **REQUIRED** to attend the meeting. To attend the meeting in person, email cityclerk@lansingks.org no later than 4:00 pm on the day of the meeting to reserve a seat. Seats are available on a first come first serve basis.*

If you are not attending the meeting but would like to submit public comments to be read during the Audience Participation portion of the meeting, or submit comments on an agenda item to be read during discussion on that topic, email your comments to cityclerk@lansingks.org no later than 6:00 pm on March 31, 2021.

Call To Order

Pledge of Allegiance

Roll Call

OLD BUSINESS:

1. Approval of Minutes

NEW BUSINESS:

Audience Participation

Presentations:

2. Citizens' Academy Graduation Recognition
3. Library Update

Council Consideration of Agenda Items:

4. Ordinance No. 1057 – Rezone Request 1153 & 1155 Industrial Terrace
5. Ordinance No. 1058 – Unified Development Ordinance Amendments
6. Approval of Property Acquisition Services – K-7 & Eisenhower Project
7. Ordinance No. 1059 – Face Mask Ordinance

Reports:


City Attorney, City Administrator, Department Heads, Councilmembers

Proclamations

Other Items of Interest

Adjournment

AGENDA ITEM

TO: Tim Vandall, City Administrator 
THRU: Sarah Bodensteiner, City Clerk
FROM: Shantel Scroggin, Assistant City Clerk
DATE: March 24, 2021
SUBJECT: Approval of Minutes

The Regular Meeting Minutes of March 18, 2021 and the Special Meeting Minutes of March 23, 2021 are enclosed for your review.

Action: Staff recommends a motion to approve the Regular Meeting Minutes of March 18, 2021 and the Special Meeting Minutes of March 23, 2021, as presented.

CITY OF LANSING

CITY COUNCIL MEETING

REGULAR MEETING MINUTES
March 18, 2021

Call To Order:

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

Roll Call:

Mayor McNeill called the roll and indicated which Councilmembers were in attendance.

Councilmembers Present:

Ward 1: Gene Kirby and Dave Trinkle

Ward 2: Don Studnicka and Marcus Majure

Ward 3: Jesse Garvey and Kerry Brungardt

Ward 4: Ron Dixon and Gregg Buehler

Councilmembers Absent:

Councilmembers were present via Zoom video conference with Councilmember Kirby attending in person.

OLD BUSINESS:

Approval of Minutes: Councilmember Buehler moved to approve the Regular Meeting Minutes of March 4, 2021, as presented. Councilmember Studnicka seconded the motion. The motion was unanimously approved.

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

Presentations: Military Saves Month Proclamation: Councilmember Studnicka read the Military Saves Month proclamation requested by Armed Forces Bank. This proclamation encourages service members to save money and reduce debt for financial security.

Child Abuse Prevention Month Proclamation: Councilmember Buehler read the Child Abuse Prevention Month proclamation brought to us by the First Judicial District CASA Association. The proclamations efforts are to make community resources and support available so children can be raised in safe environments.

Arbor Day Proclamation: Councilmember Kirby read the Arbor Day proclamation in honor to Lansing being a Tree City U.S.A. April 2, 2021 will be Arbor Day in Lansing with a ceremonial tree be planted at 10:00 am on the northeast corner of 730 First Terrace.

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Executive Session – Preliminary Discussion of Acquisition of Real Property: Councilmember Buehler moved to recess into executive session for the preliminary discussion of the acquisition of real property pursuant to K.S.A. 75-4319(b)(6) for 10 minutes, beginning at 7:07PM and returning to the Council Chambers at 7:17PM. Councilmember Studnicka seconded the motion. The motion was unanimously approved.

Councilmember Studnicka moved to return to open session at 7:17PM. Councilmember Majure seconded the motion. The motion was approved with Councilmember Garvey not voting.

Executive Session – Consultation with Attorney: Councilmember Brungardt moved to recess into executive session for the preliminary discussion of the acquisition of real property pursuant to K.S.A. 75-4319(b)(2) for 45 minutes, beginning at 7:19PM and returning to the Council Chambers at 8:04PM. Councilmember Buehler seconded the motion. The motion was unanimously approved.

Councilmember Studnicka moved to return to open session at 8:04PM. Councilmember Majure seconded the motion. The motion was unanimously approved.

REPORTS:

City Attorney: City Attorney had nothing to report.

City Administrator: City Administrator Tim Vandall brought up discussion of the mask ordinance that is set to expire on March 31st. According to the County Health Department, the number of people being

vaccinated is increasing with the number of positive cases decreasing. Leavenworth will not be extending their mask mandate.

- Councilmember Studnicka recommended extending the mask ordinance to the end of April.
 - Councilmember Kirby, Brungardt and Dixon agreed with Councilmember Studnicka.
 - Councilmember Buehler stated he disagreed and is jumping on board with Councilmember Garvey. It's time to allow residents to make their own decisions. After speaking with the Police Chief, we have given zero citations to people for not wearing a mask and have only issued a couple of warnings to residents. Most of the warnings were to businesses where employee weren't wearing masks. It's time to let the residents be responsible and take their health into their own hands.
 - Councilmember Garvey believes we should let it expire. We're starting to open back up nationwide. They are wanting people to get back to normal. Cities may not have mask mandates, but businesses and organizations can make their own rules.
 - Councilmember Majure agreed with Councilmember Garvey and Buehler. The percentage of cases are less. People can wear a mask if they want to but we don't need to mandate it anymore.
 - Councilmember Brungardt stated the CDC is still encouraging masks and maybe the reason our numbers are lower is because of the mask ordinance. We've seen it this far, thirty more days isn't a big deal if it means keeping people safe.
 - Councilmember Dixon stated he thinks we should continue it and we've made great progress in a short period of time. Thirty more days won't hurt anything. It's a minor inconvenience compared to the hardships people have gone through.
 - Councilmember Kirby stated nationwide cases are up 10% in the last week and vaccinations are up 30% in the last week. The schools will continue to have students wear a mask at school. The County Health Department has given just over 10,000 vaccines out of 80,000 residents. He believes they should be given all the time they need to get out as many shots as they can to those who want them.
 - Councilmember Majure responded he isn't telling people they can't wear a mask; we're just saying they don't have to wear one.

Mayor McNeill read a couple of emails he received from residents. Beth Stevenson requested we wait to lift the mandate until every adult has had the opportunity to be vaccinated. Last summer we got the positive numbers down like now, opened everything back up and look at the year we had. She would rather not repeat last year. Susie Jorgeson would like the mask mandate extended until the CDC states they are no longer needed.

- Councilmember Kirby stated he has talked to several businesses on Main Street. They have appreciated we have mandated it because it takes the pressure off of them. They hope we continue it because it is helping them to stay open.
 - Councilmember Garvey asked didn't we get a letter from a business to let it expire.
 - Councilmember Majure stated we did get letter asking to let the mandate expire because they didn't need to be told to wear it.
 - City Administrator Tim Vandall stated they could do a special meeting before the work session on March 23rd.
 - Councilmember Brungardt stated he liked that plan.

City Administrator Tim Vandall reminded the Council of the work session on Tuesday, March 23rd and not on Thursday.

Department Heads: Department Heads had nothing to report.

Governing Body: Councilmember Majure stated Tim and the staff have done a fantastic job and praised our first responders through all this. We are getting there, we're not at the halfway point but we are getting there.

Councilmember Garvey thanked Greg and Tim for their input tonight. He stated this Council will agree to disagree, but we don't argue. We have rational discussions, and he likes that they can do that. He told Matt Schmitz Happy Birthday.

Councilmember Buehler thanked Steve and Tim for their quick responses and info they gave. He also provided a fun fact, on this day in 1992, South Africans voted to rid the country of apartheid.

Councilmember Brungardt agreed with Councilmember Garvey that they don't agree on everything but at the end of the day, we agree to disagree and move on. He thinks our leaders in Washington could learn something from this Council.

Councilmember Kirby thanked the Leavenworth County Health Department. Their vaccination clinic is ran like clockwork. They get people in; they get people out and are doing a fantastic job.

ADJOURNMENT:

Councilmember Kirby moved to adjourn. Councilmember Studnicka seconded the motion. The motion was unanimously approved. The meeting was adjourned at 8:20 p.m.

ATTEST:

Mayor, Anthony R. McNeill

City Clerk, Sarah Bodensteiner, CMC

Call To Order:

The special meeting of the Lansing City Council was called to order by Mayor McNeill at 6:30 p.m.

Roll Call:

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

Councilmembers Present:

Ward 1: Dave Trinkle and Gene Kirby

Ward 2: Don Studnicka and Marcus Majure

Ward 3: Kerry Brungardt and Jesse Garvey

Ward 4: Ron Dixon and Gregg Buehler

Councilmembers Absent:

Councilmembers were present via ZOOM video conference.

NEW BUSINESS:

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Ordinance No. 1056 – Face Mask Ordinance: Mayor McNeill stated that before we have internal discussion, he asked if we received any public comments.

City Clerk Sarah Bodensteiner read two letters received regarding the Mask Ordinance:

- Tom and Andi Pawlowski, 186 Canyon View, Lansing, KS expressed their concerns about residents being able to make their own decisions about wearing masks and why the Council the needs to make the decision for them. They also stated it may be confusing when residents have to wear masks in Aldi's and QT but not Dillon's or Home Depot since Leavenworth is not continuing their mask requirement. They stated it is insulting that there is a fine for not wearing a mask and it's ridiculous the police department is tasked with enforcing the mandate. They asked the Council to make a statement advising the use of masks but not to continue with the mandatory requirement.
- Sarah George of Lansing, KS asked the Council to make unemotional decisions. She continued that Lansing residents are able to determine when and where to use a mask as they did last summer. She stated the Councils oath of office requires they follow the Constitution which was instituted to protect citizens rights from government overreach, even if the overreach is well-intentioned.

Councilmember Buehler moved to deny Ordinance No. 1056. Councilmember Majure seconded the motion. The motion was not approved with Councilmember Dixon, Brungardt, Studnicka, Trinkle and Kirby voting against the motion.

Councilmember Brungardt moved to approve and adopt Ordinance No. 1056. Councilmember Studnicka seconded the motion. The motion was approved with Councilmember Majure, Garvey and Buehler voting against the motion.

ADJOURNMENT: Councilmember Brungardt moved to adjourn. Councilmember Studnicka seconded the motion. The motion was unanimously approved.



The meeting was adjourned at 6:54 p.m.

ATTEST:

Anthony R. McNeill, Mayor

Sarah Bodensteiner, CMC, City Clerk

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Matthew R. Schmitz, Director, Community & Economic Development 
DATE: April 1, 2020
SUBJECT: Graduation of 2021 Citizens' Academy Participants and Recognition of 2020 Citizens' Academy Participants

Explanation: On April 1, 2020, seven (7) participants will graduate from the eleventh (11th) annual Lansing Citizens' Academy. The Citizens' Academy provides an interactive experience for participants to learn about the functions and responsibilities of each city department. Further, participants meet city staff members and learn about ways to volunteer on boards and commissions.

Sessions were held monthly from September 2020 through March 2021. The sessions were led by staff and held in department facilities or at City Hall. Each session lasted approximately two hours with an opportunity for participants to evaluate each session at the end. Participants have stated that they enjoy the opportunity to learn about the operations of the departments, meeting staff, and building a greater understanding of the intricacies of city government.

On March 19, 2020, seven (7) participants graduated from the tenth (10th) annual Lansing Citizens' Academy, but due to COVID-19, they were not able to be recognized during a council meeting. They have been invited to attend this meeting as well, so that they may receive their plaques and recognition for completing last year's program.

Staff is recommending that the city again offer the program in 2021-2022.

The graduates of the Lansing Citizens' Academy are as follows:

2020-2021

Jackie Kennedy
Ralph Taylor
Patricia A. Butts
Ed Chapman, III
John Wilhite
Tom Lauhon
Carmen V. Elston

2019-2020



Mary Anderson
Rosa Kuilan
Norine Lauhon
Timothy Moran
Jim Nabors
Teri Nabors
Amelia Schwam

Policy Consideration: No policy consideration

Financial Consideration: The costs are minimal and include folders, handouts, and snacks for the participants at sessions. The participants also receive plaques to signify their graduation from the program.

Action: Staff is requesting that Mayor McNeill present plaques to the graduates. Director Schmitz will be available to assist.

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Terri Wojtalewicz, Library Director 
DATE: March 11, 2021
SUBJECT: Library Update



Library Director, Terri Wojtalewicz, will be presenting an update for Lansing Community Library.

Policy Consideration:

Financial Consideration:

Action:

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Matthew R. Schmitz, Director, Community & Economic Development 
DATE: April 1, 2021
SUBJECT: Ordinance No. 1057: An Ordinance to rezone 1153 & 1155 Industrial Terrace from B-3 Regional Business District to I-1 Light Industrial District

Explanation: LANDSEAFOOD LLC., applicant, has applied to rezone 1153 and 1155 Industrial Terrace from B-3 Regional Business District to I-1 Light Industrial District. This rezoning, if approved, will allow the applicant to develop a future light industrial project on the subject property (a 15,000 sq. ft. building to grow produce and perhaps seafood for resale, but not out of this location). A site plan for the property will be submitted in the near future, if the rezoning is approved.

Please refer to the attached checklist and staff report for detailed analysis of the application.

As of the date of this memo, staff has not received feedback from anyone regarding this rezoning application.

The Planning Commission, at its March 16, 2021 meeting, voted to recommend approval of the rezone, with a 6-0 vote. The minutes from that meeting, the rezoning checklist, and the staff report (including a map of the property) are included for your review.

Policy Considerations: None.

Action: Approve, approve with conditions, remand back to Planning Commission, or deny with a super majority vote of the governing body Ordinance No. 1057: An Ordinance to rezone 1153 & 1155 Industrial Terrace from B-3 Regional Business District to I-1 Light Industrial District.

ORDINANCE NO. 1057

**AN ORDINANCE GRANTING A CHANGE OF ZONING
TO CERTAIN PROPERTY WITHIN THE CITY OF LANSING, KANSAS.**

WHEREAS, the Planning Commission of the City of Lansing has recommended to rezone particular real estate property within the City of Lansing, Kansas; and

WHEREAS, after proper legal publication and notice pursuant to the statutes of the State of Kansas, a public hearing was held on March 16, 2021, at 7:00 p.m. at the Lansing City Hall, Lansing, Kansas; and

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

Section 1. Change of Land Uses. The land uses for the following property currently addressed as 1153 and 1155 Industrial Terrace within the city limits of the City of Lansing, County of Leavenworth, State of Kansas, legally described as follows:

LEGAL DESCRIPTION:

Lots 8 and 9, LANSING BUSINESS CENTER, a subdivision plat in the City of Lansing, Leavenworth County, Kansas

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

All in Leavenworth County, Kansas, less any part taken or used for road; presently zoned as "B-3" Regional Business District is hereby changed to "I-1" Light Industrial District; and

Section 2. Amend Zoning District Map. That upon the taking effect of this ordinance, the above zoning change shall be entered and shown on the Zoning District Map, and said official zoning map shall be and is hereby reincorporated as a part of the Zoning Ordinance as amended.

Section 3. Effective Date. This ordinance shall take effect and be enforced from and after its passage, approval, and publication in the official city newspaper, as provided by law.

PASSED AND APPROVED by the governing body of the City of Lansing, Kansas, this 1st day of April, 2021.

Anthony R. McNeill, Mayor

ATTEST

Sarah Bodensteiner, CMC, City Clerk

(SEAL)

APPROVED AS TO FORM:

Gregory C. Robinson, City Attorney

Publication Date: _____

Published: The Leavenworth Times

**CITY OF LANSING
FORM OF SUMMARY FOR PUBLICATION OF ORDINANCE**

Ordinance No. 1057: An Ordinance Granting a Change of Zoning to Certain Property Within the City of Lansing, Kansas.

Pursuant to the general laws of the State, a general summary of the subject matter contained in this ordinance shall be published in the official City newspaper in substantially the following form:

Ordinance No. 1057 Summary:

On April 1, 2021, the City of Lansing, Kansas, adopted Ordinance No. 1057, an ordinance granting a change of zoning to certain property within the City of Lansing, Kansas. A complete copy of this ordinance is available at www.lansingks.org or at City Hall, 800 First Terrace, Lansing, KS 66043. This summary certified by Gregory C. Robinson, City Attorney.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: April 1, 2021

Gregory C. Robinson, City Attorney

REZONING CHECKLIST

Checklist Completed by: Matthew R. Schmitz

Case No. RZ-2021-3

Date Filed: February 12, 2021

Date Advertised: February 23, 2021

Date Notices Sent: February 22, 2021

Public Hearing Date: March 16, 2021

APPLICANT: LANDSEAFOOD, LLC

LOCATION OF PROPERTY: 1153 and 1155 Industrial Ter.

PRESENT ZONING: B-3

REQUESTED ZONING: I-1

PRESENT USE OF PROPERTY: Platted undeveloped ground

SURROUNDING LAND USE AND ZONING:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Regional Business District (Undeveloped ground)	B-3
South	Rural Residential 2.5 Acre (Undeveloped ground)	RR 2.5 (County)
East	Agricultural District (Undeveloped ground)	A-1
West	Light Industrial / Regional Business District (Co-Op / American Energy Products)	I-1 / B-3

CHARACTER OF THE NEIGHBORHOOD: The area is partially developed, with adjacent businesses on the west side of the property, an empty lot to the north, and additional businesses across Industrial St. to the north. To the east is empty ground planned to be a 2nd phase of the Business Park at some point in the future, and to the south is empty ground that lies outside the City Limits.

NEAREST EQUIVALENT ZONING:

LOCATION: West

CURRENT USE: Co-Op Fueling / Farm products / Propane

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts? No

2. Are there substantial reasons why the property cannot be used in accord with existing zoning? Yes **If yes, explain:** The applicant intends to construct a project on the property (15,000 sq. ft. building) that requires the Light Industrial zoning. They will be growing and producing produce and possibly seafood for sale. They do not intend to sell to the public out of the facility.

3. Are there adequate sites for the proposed use in areas already properly zoned? Not in close proximity to this area. If yes, where? _____

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? The proposed future use of the property would align with development policies if this rezoning is approved, and the construction of the building will require the development and acceptance of a Site Plan to comply with Development Policies.

2. Consistent with Future Land Use Map? Yes. The Future Land Use Map shows this area as Light Industrial, even though it is zoned as Regional Business District.

3. Are Public Facilities adequate? Yes. All utilities are present and in the area.

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Industrial Ter.

2. Classification of Street(s):
Arterial _____ Collector _____ Local X

3. Right of Way Width: Platted ROW width for Industrial Ter. is 60'

4. Will turning movements caused by the proposed use create an undue traffic hazard? No

5. Comments on Traffic: Traffic in the area will be slightly increased with future development on this property, but there are no concerns about traffic due to this request.

SHOULD PLATTING OR REPLATTING BE REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? The lots are appropriately sized. In the future, should the building need to be expanded, an Administrative Plat joining parcels together may be necessary.

2. Properly Sized Street Right of Way? Yes.

3. Drainage Easements? Utility easements exist on the Plat.

4. Utility Easements:
Electricity? Utility easements exist on the Plat.
Gas? Utility easements exist on the Plat.
Sewers? Utility easements exist on the Plat.
Water? Utility easements exist on the Plat.

5. Additional Comments: N/A

UNIQUE CHARACTERISTICS OF PROPERTY IN QUESTION: None

ADDITIONAL COMMENTS: None

Project Facts

Applicant
LANDSEAFOOD LLC

Address
1153 and 1155 Industrial Ter.

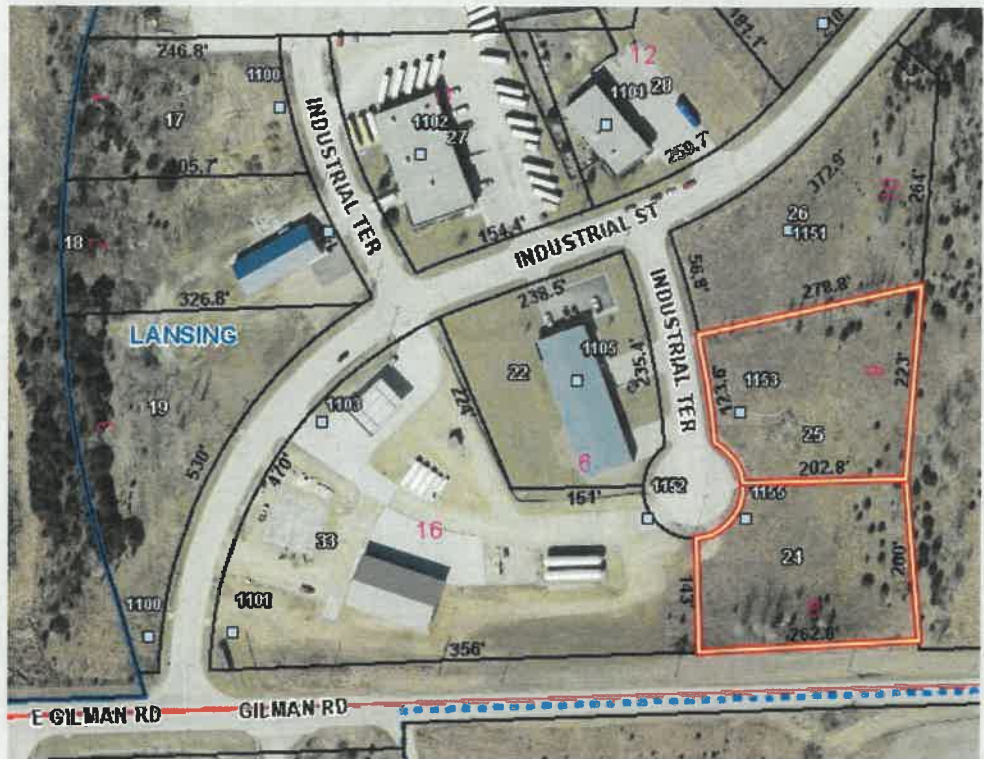
Property ID
099-30-0-00-00-024.00-0
099-30-0-00-00-025.00-0

Zoning
B-3 Regional Business District

Future Land Use
Business Park / Lt. Industrial

Land
96,365.17 SF (2.21 acres)

Requested Approvals
Rezoning



Summary

LANDSEAFOOD LLC., applicant, has applied to rezone the subject property from B-3 Regional Business District to I-1 Light Industrial District. This rezoning, if approved, will allow the applicant to develop a future light industrial project on the subject property (a 15,000 sq. ft. building to grow produce and perhaps seafood for resale, but not out of this location). A site plan for the property will be submitted in the near future, if the rezoning is approved.

A public hearing notice was published in the *Leavenworth Times* on February 23, 2021, and the notice was mailed to property owners within 200 feet of the subject property on February 22, 2021.

Discussion points from Checklist

The checklist was reviewed and completed by the Director of Community & Economic Development. There are no concerns marked as outstanding, and the application is in order.

Complaints / Questions

As of the date of preparation of this Staff Report, there have been no residents contact the City on behalf of this rezoning application.

Acknowledgments

The following City of Lansing staff members reviewed this project and provided information for this report:

- Matthew R. Schmitz, M.P.A. – Director, Community & Economic Development

Notice of City Codes

The Applicant is subject to all applicable City codes within the Municipal Code – whether specifically stated in this report or not – including, but not limited to, Zoning, Buildings and Construction, Subdivisions, and Sign Code. The Applicant is also subject to all applicable Federal, State, and local laws.

Recommendation

Staff recommends that the Planning Commission recommend approval of this rezoning request to the City Council.

Lansing Planning Commission
March 16th, 2021

Call to Order - The regular monthly meeting of the Lansing Planning Commission was called to order by Chairman Ron Barry at 7:00 p.m. In attendance were Commissioners Amy Baker, Nancy McDougal, Richard Hannon, Jerry Gies and Vice-Chairman Jake Kowalewski. Chairman Barry noted there was a quorum present.

Approval of Minutes – February 17th, 2021, Regular Meeting – Commissioner Richard Hannon made a motion to approve the minutes of the February 17th, 2021, meeting, seconded by Vice-Chairman Jake Kowalewski. The motion passed 6-0.

Old Business: None

New Business:

- 1. New Business- Rezoning Application Case # RZ-2021-3 1153 and 1155 Industrial Terrace** - LANDSEAFOOD LLC., applicant, has applied to rezone the subject property from B-3 Regional Business District to I-1 Light Industrial District. This rezoning, if approved, will allow the applicant to develop a future light industrial project on the subject property (a 15,000 sq. ft. building to grow produce and perhaps seafood for resale, but not out of this location). A site plan for the property will be submitted soon if the rezoning is approved. A public hearing notice was published in the Leavenworth Times on February 23, 2021, and the notice was mailed to property owners within 200 feet of the subject property on February 22, 2021.

Chairman Barry opened the public hearing at 7:02 p.m.

Carl Waldenmaier, Managing Partner for LandSeaFood LLC, 8141 Westgate Drive, Lenexa, KS 66215, stated he looked forward to having Lansing as the company's International Headquarters. Carl mentioned they have "been in the hydroponic lettuce business for the last 4 years and have added farm raised oyster mushrooms, all which are farmed indoors. It could be considered all organic depending on the state, because it is all grown in water, hence the name 'hydroponic'. Once grown, it is sold locally within a 50-mile radius to larger grocery chains such as Price Chopper. Hy-Vee, which has roughly 40 stores in the Kansas City market, would like to add LandSeaFood's products to their stores, which is why there is a need for a larger facility. The land is suited for our needs and all the utilities are there. This would allow expansion into the Leavenworth/Lansing areas."

Chairman Barry closed the public hearing at 7:04 p.m. This opens-up the 14-day protest period.

Commissioner Richard Hannon asked for Mr. Waldenmaier to elaborate on the term seafood and how you can "grow seafood". Mr. Waldenmaier answered that "the lettuce will be grown aquaponically, meaning 'in water'. The shrimp will be grown in saltwater tanks, so in their natural environments without the use of solid foods for feeding. The oyster mushrooms will be a protein source for the shrimp. Initially we will focus on growing the salad and oyster mushroom side of the business, as the shrimp are a major investment of over \$100,000 dollars. Once revenue is built up, we'll expand to the seafood side of the business."

Vice-Chairman Jake Kowalewski asked if there is any concern regarding the sanitary sewer/wastewater systems due to the assumed large amount of water that the facility will be using. Mr. Waldenmaier answered "No, 85% of the water used is used in the growing process of the lettuce which the lettuce absorbs so there is little waste left over. Also, the water is in its pure state by the process of reverse osmosis." Matthew Schmitz, Community and Economic

Development Director, confirmed that waste was not a concern when this idea was proposed once the process was explained.

Commissioner Jerry Gies asked who the current provider of water for the property is, and Mr. Schmitz answered, "Consolidated Water District No. 1."

Chairman Barry asked for a motion to approve the checklist as a finding of fact for the Rezoning application for 1153 and 1155 Industrial Terrace, Lansing, Kansas.

Commissioner Jerry Gies made a motion to approve as a finding of fact seconded by Commissioner Amy Baker. Motion passes 6-0.

Chairman Barry asked for a motion to recommend approval, approval with conditions, or recommend disapproval to the Governing Body the Rezoning Application for LANDSEAFOOD LLC.

Vice-Chairman Jake Kowalewski recommended approval seconded by Commissioner Nancy McDougal. The motion passes 6-0.

Mr. Schmitz noted this will go before the City Council on April 1st, 2021.

2. **UDO Text Amendment** - Sign Size / Setback Regulations After working with the applicant for Harbor Freight on their sign location, Staff has identified through collaboration with our Consultant on the Unified Development Ordinance (UDO), Gould Evans, some modifications to the sign setback requirements outlined in the UDO that we believe should be reviewed and modified. This item is to consider those modifications to the UDO.


Chairman Barry asked Mr. Schmitz to elaborate on the purpose of this request.

Mr. Schmitz noted that during the Harbor Freight application process, it was apparent there were hard to understand sign regulations in the UDO that needed to be clarified. The City reached out to Gould Evans consultants and developed revisions that made the regulations clearer and easier for all parties involved in an application, to understand and apply. For example, "if someone wants a 75' sign, that will require a 30' setback if it is on a pole, or if it is on a monument, that is a 20' setback."

Chairman Barry asked how the measurement increments were developed. Mr. Schmitz answered, "those measurements were already established. This modification request is more of a revision for clarity, not necessarily a change of wording or regulations." Further discussion included the definition of setbacks and why size of signage and setbacks are important for a City and/or business aesthetically as well as necessary for visibility. There are exceptions that have been made in the MSOD for areas such as K7. Chairman Barry asked if exceptions are really necessary and Mr. Schmitz answered, "if not, then the only size that would be allowed, whether monument or pole, would be 150 square feet, which would appear really small if it sits high in the air, next to a highway. If we are going to look at modifying the exceptions, then I would want to look at what neighboring cities have adopted, to ensure we are in line with what is standard." It was noted that again, Harbor Freight and their proposed monument sign(s), brought to light the discrepancies in the current regulations as monument signs are not common, so a revision for clarification is necessary for current and future Lansing businesses.

Chairman Barry asked for a motion to approve, approve with conditions, or disapprove the Modification application for the UDO Text Amendment.

AGENDA ITEM

TO: Tim Vandall, City Administrator
FROM: Matthew R. Schmitz, Director, Community & Economic Development 
DATE: April 1, 2021
SUBJECT: Ordinance No. 1058: An Ordinance amending the Unified Development Ordinance of the City of Lansing, Kansas – Table 8-2: Sign Allowances

Explanation: After working with the applicant for Harbor Freight on their sign location, Staff has identified through collaboration with our Consultant on the Unified Development Ordinance (UDO), Gould Evans, modifications to the sign setback requirements outlined in Table 8-2: Sign Allowances that Staff believes should be reviewed and modified. A public hearing for this amendment to the UDO was held at the Planning Commission meeting on March 16, 2021. No public comments were received during the public hearing. A copy of the meeting minutes is included for review. Planning Commission motioned to approve this text amendment after brief discussion with Staff by a vote of 6-0.

Adoption of this ordinance will replace the language listed in Table 8-2: Sign Allowances for Freestanding Signs in Districts B-1, B-2, B-3, I-1 & I-2 with the following:

- Number: 1 sign per each 200' section of street frontage; maximum of 3 on any lot; 100' minimum separation between signs.
- Maximum size per sign: 150 s.f. (and subject to Total Area Allowance based on setbacks below)
 - Pole sign setback distances and their allowable sign sizes and heights:
 - 10' setback – signs up to 25 s.f.; up to 20' high
 - 20' setback – signs 26 to 50 s.f.; up to 25' high
 - 30' setback – signs 51 to 100 s.f.; up to 30' high
 - 40' setback – signs 101 to 150 s.f.; up to 35' high
 - Monument sign setback distances and their allowable sign sizes and heights:
 - 10' setback – signs up to 25 s.f.; up to 6' high
 - 15' setback – signs 26 to 50 s.f.; up to 8' high
 - 20' setback – signs 51 to 100 s.f.; up to 10' high
 - 25' setback – signs 101 to 150 s.f.; up to 15' high
- K-7 Highway Exception:
 - Pole signs may be up to 300 s.f., provided they are setback at least 40', no higher than 35', and only if used in lieu of one other Wall or Freestanding Sign
 - Monument signs may be up to 300 s.f., provided they are setback at least 25', no higher than 15', and if integrated into landscape features or structures associated with a site entrance.

Policy Considerations: This proposed amendment to the UDO would help to make the sign regulations more clear, and easier to understand than the current language for applicants wanting to construct signs in the City.

Action: Motion to adopt Ordinance No. 1058 amending Table 8-2: Sign Allowances within the Unified Development Ordinance.

ORDINANCE NO. 1058

AN ORDINANCE OF THE CITY OF LANSING, KANSAS, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, AS ADOPTED BY REFERENCE.

WHEREAS, the Planning Commission of the city of Lansing has recommended to amend the adopted Unified Development Ordinance, Table 8-2: Sign Allowances on Page 8-5, section Freestanding Signs for Districts B-1, B-2, B-3, I-1 & I-2. The official Unified Development Ordinance is adopted by reference in Lansing City Code, Section 17-101; and,

WHEREAS, after proper legal publication and notice pursuant to the statutes of the State of Kansas, a public hearing was held by the Planning Commission on March 16, 2021, at 7:00 p.m. at the Lansing City Hall, Lansing, Kansas.

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

SECTION 1. Unified Development Ordinance, Table 8-2: Sign Allowances on Page 8-5, section Freestanding Signs for Districts B-1, B-2, B-3, I-1 & I-2 is hereby amended to be as follows:

- Number: 1 sign per each 200' section of street frontage; maximum of 3 on any lot; 100' minimum separation between signs.
- Maximum size per sign: 150 s.f. (and subject to Total Area Allowance based on setbacks below)
 - Pole sign setback distances and their allowable sign sizes and heights:
 - 10' setback – signs up to 25 s.f.; up to 20' high
 - 20' setback – signs 26 to 50 s.f.; up to 25' high
 - 30' setback – signs 51 to 100 s.f.; up to 30' high
 - 40' setback – signs 101 to 150 s.f.; up to 35' high
 - Monument sign setback distances and their allowable sign sizes and heights:
 - 10' setback – signs up to 25 s.f.; up to 6' high
 - 15' setback – signs 26 to 50 s.f.; up to 8' high
 - 20' setback – signs 51 to 100 s.f.; up to 10' high
 - 25' setback – signs 101 to 150 s.f.; up to 15' high
- K-7 Highway Exception:
 - Pole signs may be up to 300 s.f., provided they are setback at least 40', no higher than 35', and only if used in lieu of one other Wall or Freestanding Sign
 - Monument signs may be up to 300 s.f., provided they are setback at least 25', no higher than 15', and if integrated into landscape features or structures associated with a site entrance.

SECTION 2. SEVERABILITY. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by a court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect from and after its passage, approval, and publication by summary in the official city newspaper.

PASSED AND APPROVED by the governing body of the city of Lansing, Kansas, this 1st day of April, 2021.

Anthony R. McNeill, Mayor

ATTEST

Sarah Bodensteiner, CMC, City Clerk

(SEAL)

APPROVED AS TO FORM:

Gregory C. Robinson, City Attorney

Publication Date: _____

Published: The Leavenworth Times

CITY OF LANSING
FORM OF SUMMARY FOR PUBLICATION OF ORDINANCE

Ordinance No. 1058: An Ordinance amending the Unified Development Ordinance of the City of Lansing, Kansas.

Pursuant to the general laws of the State, a general summary of the subject matter contained in this ordinance shall be published in the official City newspaper in substantially the following form:

Ordinance No. 1058 Summary:

On April 1, 2021, the City of Lansing, Kansas, adopted Ordinance No. 1058, an ordinance amending the Unified Development Ordinance of the City of Lansing, Kansas, Table 8-2: Sign Allowances on Page 8-5, section Freestanding Signs for Districts B-1, B-2, B-3, I-1 & I-2. A complete copy of this ordinance is available at www.lansingks.org or at City Hall, 800 First Terrace, Lansing, KS 66043. This summary certified by Gregory C. Robinson, City Attorney.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: April 1, 2021

Gregory C. Robinson, City Attorney

Summary

After working with the applicant for Harbor Freight on their sign location, Staff has identified through collaboration with our Consultant on the UDO, Gould Evans, some modifications to the sign setback requirements outlined in the UDO that we believe should be reviewed and modified.

The current sign size / setback regulations read as follows on Page 8-5, Table 8-2: Sign Allowances, specifically freestanding signs located in B-1, B-2, B-3, I-1 & I-2:

- Number: 1 sign per each 200' of street frontage; maximum of 3 on any lot; 100' minimum separation between signs.
- Total Area Allowance: 1 s.f. for each 2 linear feet of street frontage.
- 10' minimum setback from all right-of-way and lot lines.
- Size: 25 s.f. maximum; and additional 20 square feet for each additional 5' setback up to 150 s.f. maximum per sign.
- Height: Monument – 6' high maximum; and an additional 2' in height for each additional 5' setback up to 15' maximum height. Pole – 20' high with a 10' setback, and 1' additional height for each additional 1' setback, up to 35' high.

Exception: Signs fronting on K-7 pole signs up to 300 s.f., if used en lieu of one other Wall or Freestanding sign, and if limited to a monument sign design.

As shown above, it is difficult for applicants to read through this and identify what setback would be required for say, a 100 sq. ft. Pole sign.

Staff proposes (after consultation with Gould Evans Staff) to revise the above box in Table 8-2 to read as follows:

- Number: 1 sign per each 200' section of street frontage; maximum of 3 on any lot; 100' minimum separation between signs.
- Maximum size per sign: 150 s.f. (and subject to Total Area Allowance based on setbacks below)
 - Pole sign setback distances and their allowable sign sizes and heights:
 - 10' setback – signs up to 25 s.f.; up to 20' high
 - 20' setback – signs 26 to 50 s.f.; up to 25' high
 - 30' setback – signs 51 to 100 s.f.; up to 30' high
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 - Monument sign setback distances and their allowable sign sizes and heights:
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 - 15' setback – signs 26 to 50 s.f.; up to 8' high
 - 20' setback – signs 51 to 100 s.f.; up to 10' high
 - 25' setback – signs 101-150 s.f.; up to 15' high
- K-7 Highway Exception:
 - Pole signs may be up to 300 s.f., provided they are setback at least 40', no higher than 35', and only if used in lieu of one other Wall or Freestanding Sign
 - Monument signs may be up to 300 s.f., provided they are setback at least 25', no higher than 15', and if integrated into landscape features or structures associated with a site entrance.

Acknowledgments

The following City of Lansing staff members reviewed this project and provided information for this report:

- Matthew R. Schmitz, M.P.A. – Director, Community & Economic Development
- Rebecca Savidge, Building Inspector, Community & Economic Development

The following City of Lansing Consultant staff members reviewed this project and provided information for this report:

- Chris Brewster, Esq., AICP – Associate Vice President, Senior Planner, Gould Evans
- Abby Newsham Kinney – Associate, Gould Evans

Recommendation

Staff recommends that the Planning Commission recommend approval of this item to the City Council.

Development Director, confirmed that waste was not a concern when this idea was proposed once the process was explained.

Commissioner Jerry Gies asked who the current provider of water for the property is, and Mr. Schmitz answered, "Consolidated Water District No. 1."

Chairman Barry asked for a motion to approve the checklist as a finding of fact for the Rezoning application for 1153 and 1155 Industrial Terrace, Lansing, Kansas.

Commissioner Jerry Gies made a motion to approve as a finding of fact seconded by Commissioner Amy Baker. Motion passes 6-0.

Chairman Barry asked for a motion to recommend approval, approval with conditions, or recommend disapproval to the Governing Body the Rezoning Application for LANDSEAFOOD LLC.

Vice-Chairman Jake Kowalewski recommended approval seconded by Commissioner Nancy McDougal. The motion passes 6-0.

Mr. Schmitz noted this will go before the City Council on April 1st, 2021.

- 2. UDO Text Amendment** - Sign Size / Setback Regulations After working with the applicant for Harbor Freight on their sign location, Staff has identified through collaboration with our Consultant on the Unified Development Ordinance (UDO), Gould Evans, some modifications to the sign setback requirements outlined in the UDO that we believe should be reviewed and modified. This item is to consider those modifications to the UDO.

Chairman Barry asked Mr. Schmitz to elaborate on the purpose of this request.

Mr. Schmitz noted that during the Harbor Freight application process, it was apparent there were hard to understand sign regulations in the UDO that needed to be clarified. The City reached out to Gould Evans consultants and developed revisions that made the regulations clearer and easier for all parties involved in an application, to understand and apply. For example, "if someone wants a 75' sign, that will require a 30' setback if it is on a pole, or if it is on a monument, that is a 20' setback."

Chairman Barry asked how the measurement increments were developed. Mr. Schmitz answered, "those measurements were already established. This modification request is more of a revision for clarity, not necessarily a change of wording or regulations." Further discussion included the definition of setbacks and why size of signage and setbacks are important for a City and/or business aesthetically as well as necessary for visibility. There are exceptions that have been made in the MSOD for areas such as K7. Chairman Barry asked if exceptions are really necessary and Mr. Schmitz answered, "if not, then the only size that would be allowed, whether monument or pole, would be 150 square feet, which would appear really small if it sits high in the air, next to a highway. If we are going to look at modifying the exceptions, then I would want to look at what neighboring cities have adopted, to ensure we are in line with what is standard." It was noted that again, Harbor Freight and their proposed monument sign(s), brought to light the discrepancies in the current regulations as monument signs are not common, so a revision for clarification is necessary for current and future Lansing businesses.

Chairman Barry asked for a motion to approve, approve with conditions, or disapprove the Modification application for the UDO Text Amendment.

Commissioner Jerry Gies made a motion for approval seconded by Vice-Chairman Jake Kowalewski. Chairman Barry asked if the Planning Commission was able to make the final decision and Mr. Schmitz answered since this is an amendment to the code itself, this request will have to go to City Council. Motion passed 6-0.

Notices and Communications - None

Reports-Commission and Staff Members – Mr. Schmitz said he will contact Gould Evans after tonight's meeting to discuss next steps for the code revision and look to set up a work session for the Commission at a future date. There may be a potential for more revisions to be made in the UDO since it has been two years since it has been revised.

Adjournment – Commissioner Jerry Gies made a motion to adjourn seconded by Vice-Chairman Kowalewski. Motion passed by acclamation. The meeting adjourned at 7:26 p.m.

Respectfully submitted,


Debra Warner, Secretary

Reviewed by,



Matthew R. Schmitz, Community and Economic Development Director

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Mike Spickelmier, Director of Public Works *NEWS 3/26/2020*
DATE: March 26, 2021
SUBJECT: Property Acquisition Services K7 & Eisenhower Project.

Policy Consideration: In order to ensure compliance with federal funds eligibility, any property acquired for a project must be acquired under the guidelines of the Uniform Act and the KDOT Property Acquisition guidelines. SMH is currently under contract for property acquisition services on the DeSoto Roundabout project.

Financial Consideration: SHM working under a professional services contract has provided a Task Order to perform these services for a fee of \$26,600. The majority of this fee are pass through services, mandated by the federal/state guidelines. This is a professional service under the City Purchasing Policy.

The agreement between Leavenworth and Lansing has each jurisdiction paying for services within their city limits. There are 6 parcels affected by this work, 2 in Leavenworth and 4 in Lansing.

Other: SMH performed these services for Lansing on DeSoto Road with a very strong degree of success. We feel that this is the most effective option due to their familiarity with the area, and their previous history.

Action:

1. Approve Task Order #4 from SMH Consultants for property acquisition services in the amount not to exceed \$26,600 and authorize the Mayor to sign.



March 19, 2021

Michael W. Spickelmier, P.E.
Public Works Director/City Engineer
City of Lansing
730 1st Terrace, Suite 3
Lansing, KS 66043

Dear Mr. Spickelmier:

This fee proposal is for Task Order #4 – Land Acquisition at K7 & Eisenhower of the 5-Year On-Call Services Agreement between the City of Lansing and SMH Consultants. SMH's services related to this task will be limited to land acquisition services. **Task Order #4 can be completed for an estimated fee of \$26,600.**

The breakdown of the estimated fee and an estimated scope of professional services is included with this proposal. If additional work is needed for extra site visits, condemnation, or etc. fees will be charged at the hourly rates shown on the estimated fee sheet or a new agreed upon fee can be negotiated. SMH proposes to begin this work immediately after a notice to proceed is issued.

If you find the terms and conditions of this work to be acceptable, please sign below and return a copy of this agreement. If you have any questions regarding this work, I can be reached by email at bgasper@smhconsultants.com or by phone at 913-444-9615.

Sincerely,

A handwritten signature in blue ink that reads "Ben Gasper".

Ben Gasper, P.E.
SMH Consultants

Signature

Printed Name

Title

Company Name

COLORADO SPRINGS
411 South Tejon Street, Suite i
Colorado Springs, CO 80903
P: 719-465-2145

DODGE CITY
707 3rd Avenue, Suite A
Dodge City, KS 67801
P: 620-255-1952

MANHATTAN - HQ
2017 Vanesta Place, Suite 110
Manhattan, KS 66503
P: 785-776-0541

OVERLAND PARK
8101 College Blvd., Suite 100
Overland Park, KS 66210
P: 913-444-9615



Estimated Fees

Prepared March 19, 2021

Total fees presented below are an estimate of the total cost. The actual costs will be a combination of professional hours at an hourly rate outlined in the on-call agreement combined with expenses and direct costs.

Title Work (Per Property Owner)

6 Property Owner Certificates of Title at \$250 per Property Owner = \$1,500
***4 CT's City of Lansing and 2 CT's City of Leavenworth (1 owner, 2 unique parcels)*

Acquisition Agent (Per Property Owner) - SMH Consultants

5 Property Owners at \$1,520 per Property Owner = \$7,600

Primary Appraisals (Per Property Owner) - Simmons Company

5 Appraisal Reports at \$2,000 per report = \$10,000

Review Appraisals (Per Property Owner) – Valbridge Property Advisors

5 Review Appraisal Reports at \$1,000 per report = \$5,000

Legal Services (Per Agreement w/o Condemnation) - Morrison, Frost, Olsen, Irvine & Scharitz, LLP

5 Agreements at \$500 per Agreement = \$2,500

Estimated Total for all Services (Based on 5 Property Owners) = \$26,600

HOURLY RATE AND EXPENSE DETAILS

SMH CONSULTANTS

Acquisition Agent = \$135/hour

Condemnation Appearance = \$135/hour

Mileage = Current IRS Rate

Meals = \$30 per Day

Lodging = Direct Costs

THE SIMMONS COMPANY

Senior Appraiser General Rate = \$200/hour

Staff Appraiser General Rate = \$150/hour

Appraiser Court Rate = \$175/hour

Cost to Cure Consultants = Direct Costs

TITLE COMPANY

Title Work = \$75/hour

Title Insurance Policy = Direct Costs

MORRISON, FROST, OLSEN, IRVINE & SCHATZ, LLP

Attorney = \$250/hour

COLORADO SPRINGS
411 South Tejon Street, Suite i
Colorado Springs, CO 80903
P: 719-465-2145

DODGE CITY
707 3rd Avenue, Suite A
Dodge City, KS 67801
P: 620-255-1952

MANHATTAN - HQ
2017 Vanesta Place, Suite 110
Manhattan, KS 66503
P: 785-776-0541

OVERLAND PARK
8101 College Blvd., Suite 100
Overland Park, KS 66210
P: 913-444-9615



K7 & Eisenhower ACQUISITION SERVICES

Scope of Professional Services

Prepared: March 19, 2021

These services will be provided for each tract (each property owner) as required by the project. SMH Consultants will manage all steps in the Acquisition Process as a part of our turnkey approach to Acquisition.

Step 1 – Initial meetings with the City of Lansing and Benesch.

1. Work with the City and Benesch to understand the project details, scope and goals.
2. Ensure all expectations are clearly identified for both SMH Consultants and the client. Make the acquisition process as easy as possible for the client. Ensure all expectations are set for a successful project.

Step 2 – Initial meeting with the property owner via a public meeting or individual meeting as required.

1. Provide an overview of the project, potential impacts of the project on the owner's property, and a historical overview of the acquisition and plan development process to-date.
2. Full explanation of the rights each property owner has through the acquisition process and the City's right to utilize/acquire the property when property owners are properly compensated.
3. Provide a probable timetable for the acquisition process from the initial meeting through closing with a Title Company.

Step 3 – Letter of Intent and Title Work.

1. Letter of Intent sent to the property owner. This letter of intent will also explain the acquisition process, a picture of what's being acquired, and the pamphlet titled "*Real Property Acquisition for Kansas Highways, Roads, Streets, and Bridges.*" available from the Kansas Department of Transportation. This letter will also provide contact information and an invitation for a one-on-one meeting with the acquisition agent.

2. Obtain a title report for each legally described tract to determine property ownership and other potential interest in the property.

Step 4 - Appraisal, Review Appraisal, Estimates of Compensation, and Setting Just Compensation.

1. Coordinate appraisals and property visits with property owners.
2. Preparation of property appraisals by a certified appraiser (Simmons Company).
3. Appraisals reviewed by the review appraiser (Valbridge Property Advisors) who also visits the site; although they will not meet with individual property owners.
4. Primary appraisal, review appraisal, and estimates of compensation are to be reviewed by the acquisition agent. Once reviewed, the acquisition agent will then be forward to the City of Lansing and request just compensation.
5. Just compensation to be set by either the Lansing City Commission or someone authorized by the City Commission to set just compensation.

Step 5 - Offer and Negotiation (No offers will be made without Just Compensation set by City Council or their designee.)

1. Provide an offer letter to each property owner in the amount of the approved just compensation. The offer letter will contain language on how to respond to the offer along with requirements needed for submitting a counter offer.
2. Continued negotiations and follow-up with the property owner through the acquisition process after the offer letter is sent.
3. Once agreeable terms with the property owner have been reached, SMH Consultants will provide that property owner a letter or email of commitment which outline the basic terms of the agreement so it can be formally drafted.
4. If necessary, SMH Consultants will prepare an Administrative Settlement Report justifying a contract amount in excess of just compensation. This report will need to be signed by the City.

Step 6 - Contracts and Closing

1. Basic terms of the agreement with property owners will be shared with the real estate Attorney hired by SMH to draft the initial real estate agreement.
2. Once the agreement is drafted by the Attorney, it will be provided to property owners and City for review. If the City and the property owner are in concurrence with the draft agreement, it will be finalized and signed by both parties.

3. At closing the Title Company will provide the seller their proceeds and have the seller sign the necessary sale and/or easement documents.
4. After closing SMH Consultants will provide a notice informing the property owner when they will be required to relocate personal property and materials from the easement or property location, if necessary.

Acquisition Documentation Provided to the City and Ongoing Tasks

1. Negotiation log detailing all property owner contact and negotiations.
2. Property owner correspondence including letters, emails and text messages.
3. Owner contracting documents applicable to each acquisition.
4. Coordinate with Property Owners, Appraisers, Attorney, Title Company, Benesch and City of Lansing

Notes

1. These services do not include any relocation assistance services that may be required. Without having a map, we do not know if any relocation is necessary.
2. These services do not include condemnation services related to any of the acquisitions (i.e. testimony, depositions, condemnation filings). If condemnation becomes necessary on-call rates will apply for services needed. Typically, condemnation is addressed through the City Attorney and SMH will provide any information requested by the City Attorney as necessary.

AGENDA ITEM

TO: Mayor; Lansing City Council
FROM: Tim Vandall, City Administrator
DATE: March 29, 2021
SUBJECT: Ordinance No. 1059

Explanation: Ordinance No. 1059 is compliant with SB40 and would require the wearing of masks in public within Lansing from April 1 through April 30 unless repealed early by the Governing Body. There are several exemptions, located in Section 8-602, Section C. For instance, those with health issues are not required to wear masks if the covering is a hindrance to their health. When eating at restaurants, masks can be removed. If the wearing of a mask could cause an undue safety hazard at a job, the mask can be removed. Organized sports activities must abide by KSHSAA guidelines on face coverings.

The City's goal with this ordinance is to increase mask usage to stem the spread of COVID-19 in our community.

Financial Considerations: None.

Policy Considerations:

Action Options: Approval of Ordinance No. 1059

(Summary Published in the Leavenworth Times on _____, 2021)

ORDINANCE NO. 1059

AN ORDINANCE CREATING NEW ARTICLE VI MISCELLANEOUS PROVISIONS OF CHAPTER 8 HEALTH AND WELFARE AND SECTIONS 8-601 THRU 8-604, REQUIRING INDIVIDUALS TO WEAR MASKS OR OTHER FACE COVERINGS IN CERTAIN CIRCUMSTANCES; REQUIRING BUSINESSES AND ORGANIZATIONS TO REQUIRE ALL EMPLOYEES, CUSTOMERS, VISITORS, MEMBERS, OR MEMBERS OF THE PUBLIC TO WEAR A MASK OR OTHER FACE COVERING IN CERTAIN CIRCUMSTANCES; AND ESTABLISHING PENALTIES THEREFORE.

WHEREAS, securing the health, safety, and economic well-being of the State of Kansas is the City of Lansing's top priority;

WHEREAS, Kansas is facing a crisis-the pandemic and public health emergency of COVID-19-resulting in illness, death, quarantines, school closures, and temporary closure of business resulting in lost wages and financial hardship to Kansas citizens;

WHEREAS, the World Health Organization declared a pandemic on March 11, 2020; and,

WHEREAS, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020; and,

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42U.S.C. 5121-5207 (the "Stafford Act");

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50, U.S.C. 1601 et seq. and consistent with Section 1135 of the Social Security Act, as amended (41 U.S.C. 1320b-5), declared a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

WHEREAS, wearing a face covering in public is the easiest and most effective way to protect each other, ease the burden on our overburdened healthcare system, and help keep our businesses open and our economy running;

WHEREAS, the Centers for Disease Control has determined that even increasing universal masking by 15% could prevent the need for restrictions on businesses and gatherings and could avoid severe economic losses;

WHEREAS, wearing a face covering in public is not only safe and easy, it is necessary to avoid more restrictive local measures that could involve closing businesses, schools, organized youth sports, and other important activities;

WHEREAS, the City of Lansing must remain flexible to account for the evolving nature and score of the unprecedented health emergency posed by COVID-19, while also simultaneously safely and strategically operating businesses and facilitating economic recovery and revitalization;

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of our responsibility to provide for and ensure the health, safety , security, and welfare of the people of Lansing, increasing the wearing of face coverings is necessary to promote and secure the safety and protection of our population

WHEREAS, for the aforementioned and other reasons, the governing body of the City of Lansing is acting pursuant to its constitutional home rule authority to provide for the health, safety, welfare and economic well-being of residents and visitors of the City of Lansing, by requiring that masks or other face coverings be worn as described in this ordinance; and

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

Section 1. That a new Article VI Miscellaneous Provisions to Chapter 8 Health and Welfare of the Code of the City of Lansing, Kansas, with new Sections 8-601 through 8-604, is hereby established to read as follows:

Sec. 8-601. Mask or other face coverings; definitions. The following words or phrases when used in this article shall have the following meanings:

Mask or other face covering means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. A mask or other face covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen, and may include a plastic face shield. Ideally, a mask or other face covering has two or more layers. A mask or other face covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels.

Public space means any indoor or outdoor space or area that is open to the public; this does not include private residential property or private offices or workspaces that are not open to customers or public visitors; Except for those businesses who voluntarily restrict customer access to appointment only.

Sec. 8-602. Mask or other face coverings; when required; exemptions.

- A. All persons in the city shall cover their mouths and noses with masks or other face coverings when they are in the following situations:
1. Inside, or in line to enter, any indoor public space;
 2. Obtaining services from the healthcare sector in settings, including but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank, unless directed otherwise by an employee thereof or a health care provider;
 3. While riding in a taxi, private car service, or ride-sharing vehicle; or,

4. While outdoors in public spaces and unable to maintain a 6-foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.
- B. The persons responsible for all businesses or organizations in the city must require all employees, customers, visitors, members, or members of the public to wear a mask or other face covering as follows:
1. Employees, when working in any space visited by customers during business hours of operation or members of the public, regardless of whether anyone from the public is present at the time;
 2. Employees, when working in any space where food is prepared or packaged for sale or distribution to others;
 3. Employees, when working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;
 4. Customers, members, visitors, or members of the public, when in a facility managed by the business or organization; or
 5. Employees, when in any room or enclosed area where other people (except for individuals who reside together) are present and are unable to maintain a 6-foot distance except for infrequent or incidental moments of closer proximity.
- C. The following individuals are exempt from wearing masks or other face coverings in the situations described in subsections A and B:
1. Persons age five years or under—children age two years and under in particular should not wear a face covering because of the risk of suffocation;
 2. Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering—this includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance; provided, that the foregoing exemption shall not apply to the extent such a person is capable of wearing a mask or face covering (such as a plastic face shield) that does not impair such medical condition, mental health condition, or disability;
 3. Persons who are deaf or hard of hearing, or communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication; provided, that the foregoing exemption shall not apply to the extent such a person is capable of wearing a mask or face covering (such as a plastic face shield) that does not inhibit such communication;
 4. Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines;
 5. Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
 6. Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking may sit at the table without their masks. If not at the table, mask must be put back on.
 7. Athletes who are engaged in an organized sports activity that allows athletes to maintain a 6-foot distance from other athletes with only infrequent or

incidental moments of closer proximity; activities sanctioned by KSHSAA shall abide by KSHSAA guidelines on masks and face coverings

8. Persons who are engaged in an activity that a professional or recreational association, regulatory entity, medical association, or other public-health-oriented entity has determined cannot be safely conducted while wearing a mask or other face covering;
9. Persons engaged in public safety, first responder, fire, public health, or other medication operations or services where the wearing of a mask is not practicable under the given circumstances; and,
10. Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.

D. It shall be an affirmative defense to any prosecution under subsection A or B that the person in violation is an individual listed under subsection C.

Sec. 8-603. Mask or other face coverings; penalties; enforcement.

- A. A violation of any provision of Section 8-602 shall be punished as follows:
1. For a first conviction, the person shall be punished with a fine of \$5 with court costs set \$20.
 2. For a second conviction, the person shall be punished with a fine of \$10 with court costs set at \$30.
 3. For a third or subsequent conviction, the person shall be punished by a fine of \$20 with court costs set at \$40.
- B. The person responsible for any business or organization that intentionally and knowingly does not comply with Section 8-602 includes a sole proprietor, or any officer, partner, member, manager, director, or other supervisor for the business or organization, who may be held jointly and severally responsible for such violation with respect to any enforcement of the violation.

Sec. 8-604. Mask or other face coverings; effective term. The provisions of Section 8-601 through Section 8-603 of the city code shall remain in effect from 12:01 a.m. April 1, 2021 until 11:59 p.m. on April 30, 2021, unless repealed by ordinance of the governing body.

Section 2. Ordinance No. 1056 is hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on the 1st day of April, 2021.

Anthony R. McNeill, Mayor

{SEAL}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

CITY OF LANSING

FORM OF SUMMARY FOR PUBLICATION OF ORDINANCE

Ordinance No. 1059: An Ordinance Creating New Article VI Miscellaneous Provisions of Chapter 8 Health and Welfare and Sections 8-601 Through 8-604, of the Code of the City of Lansing, Kansas, Requiring Individuals to Wear Face Masks or Other Face Coverings in Certain Circumstances; Requiring Businesses and Organizations to Require All Employees, Customers, Visitors, Members, or Members of the Public to Wear a Mask or Other Face Covering in Certain Circumstances; and Establishing Penalties Therefore.

Pursuant to the general laws of the State, a general summary of the subject matter contained in this ordinance shall be published in the official City newspaper in substantially the following form:

Ordinance No. 1059 Summary:

On April 1, 2021, the City of Lansing, Kansas, adopted Ordinance No. 1059, adopting the Ordinance Creating New Article VI Miscellaneous Provisions of Chapter 8 Health and Welfare and Sections 8-601 Through 8-604, of the Code of the City of Lansing, Kansas, Requiring Individuals to Wear Face Masks or Other Face Coverings in Certain Circumstances; Requiring Businesses and Organizations to Require All Employees, Customers, Visitors, Members, or Members of the Public to Wear a Mask or Other Face Covering in Certain Circumstances; and Establishing Penalties Therefore. A complete copy of this ordinance is available at www.lansingks.org or at City Hall, 800 First Terrace, Lansing, KS 66043. This summary certified by Gregory Robinson, City Attorney.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: April 1, 2021

Gregory Robinson, City Attorney