



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

COUNCIL AGENDA
Regular Meeting
Thursday, November 7, 2019
7:00 P.M.

WELCOME TO YOUR CITY COUNCIL MEETING

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

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

Call To Order

Pledge of Allegiance

Roll Call

OLD BUSINESS:

1. Approval of Minutes

NEW BUSINESS:

Audience Participation

Presentations

Council Consideration of Agenda Items:

2. Trade Board of Appeals Appointments
3. Ordinance No. 1036 – Rezone Request 00000 Ida Street
4. Ordinance No. 1037 – City Code Changes Chapter 12, Article 2 Curfew
5. Executive Session – Consultation with Attorney

Reports:

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




Proclamations:

- Kansas Reads to Preschoolers Week Proclamation
- Veterans Day Proclamation

Other Items of Interest

Adjournment

AGENDA ITEM

TO: Tim Vandall, City Administrator 
THRU: Sarah Bodensteiner, City Clerk 
FROM: Shantel Scrogin, Assistant City Clerk 
DATE: October 18, 2019
SUBJECT: Approval of Minutes

The Regular Meeting Minutes for October 17, 2019 are enclosed for your review.

Action: Staff recommends a motion to approve the Regular Meeting Minutes for October 17, 2019 as presented.

AGENDA ITEM #

CITY OF LANSING

CITY COUNCIL MEETING

REGULAR MEETING MINUTES
October 17, 2019

Call To Order:

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

Roll Call:

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

Councilmembers Present:

Ward 1: Gene Kirby and Dave Trinkle

Ward 2: Andi Pawlowski

Ward 3: Kerry Brungardt

Ward 4: Gregg Buehler and Tony McNeill

Councilmembers Absent: Don Studnicka and Jesse Garvey

OLD BUSINESS:

Approval of Minutes: Councilmember Buehler moved to approve the regular meeting minutes of October 3, 2019, as presented. Councilmember McNeill seconded the motion. The motion was approved with Councilmember Trinkle abstaining from the vote.

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

Presentations: Councilmember Gregg Buehler read and presented the Military Retiree Appreciation Day Proclamation to Norm Greczyn.

- Norm Greczyn stated this is a great place to live and raise children. He stated the local government takes great care of the retirees and asked that they continue to do so.

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Treasurer's Report for Quarter Ending September 30, 2019: Councilmember Buehler moved to approve the treasurer's report for the quarter ending September 30, 2019. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Equipment Replacement Requests: Councilmember Kirby moved to authorize staff to acquire bids for formal action in early 2020. Councilmember Trinkle seconded the motion.

- Councilmember Trinkle asked does it have electric windows.
 - Mayor Smith replied you're going back to the old days Dave.
 - Councilmember Trinkle stated that goes back twenty years.
 - Mayor Smith responded Mike, that is too many years ago. Any other questions.
 - Councilmember Pawlowski stated I was just going to say we need; I don't know anything about trucks, is this necessary?
 - City Administrator Tim Vandall replied I can start it off and I guess if you want to chip in. I think the current one is functional but it's getting pretty outdated. I think there is rust on it. I think we replaced the transmission on it pretty recently. I guess the other thing, we always do this in the fall but then we approve the bids early the next year. If something happens in the next 3 months where we might need \$70,000 or something like that. There is no guarantee the Council has to approve this. This is just going out and getting the ball rolling on getting bids. I think when we buy trucks like this since we are such a small staff, we try to get trucks that can multipurpose. I know at one point someone had told me there was a thought process of getting a F-150 but if we had a F-150 or something similar to that, it might not be able to pull trailers to Bernard Park as easy, we might not be able to move snow as easy. So, I think that is why they get trucks like

this. Does that kind of answer your question? Do you want to add anything else, Mike?

- Public Works Director Mike Spickelmier stated this truck is a full year-round piece of equipment. It will definitely, in the winter time, be used for snow and ice removal operations but also because it has a dump bed, it's used for patching operations, it hauls gravel. It's just the kind of truck that assists the street department to do routine maintenance.

The motion was unanimously approved.

REPORTS:

Department Heads: Department Heads had nothing to report.

City Attorney: City Attorney Greg Robinson had nothing to report.

City Engineer: City Engineer Matt Harding had nothing to report.

City Administrator: City Administrator Tim Vandall let the Council know the Regional Supper will take place at the Riverfront Community Center on November 13th so please RSVP by November 6th if you are interested. DeSoto Road has come a long way even in the last month and striping has started. The project overall is not complete, but it looks really good. City Administrator Tim Vandall also let the Council know the mediation session with the Townships regarding the Fire District was this week and they weren't able to come to an agreement but will continue to work on a solution that benefits the taxpayers of Lansing.

Governing Body: Councilmember Pawlowski stated Go Chiefs!

Councilmember Buehler seconded Councilmember Pawlowski's sentiment and provided a fun fact, on this day in 1933, Albert Einstein left Nazi Germany and arrived in the United States.

Councilmember Kirby asked how long the shortest council meeting was.

- Councilmember Buehler responded about four and a half minutes.

ADJOURNMENT:



Councilmember Kirby moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:09 p.m.

ATTEST:

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Rebecca L. Savidge, City Inspector 
DATE: October 29, 2019
SUBJECT: Reappointment of Trade Boards of Appeals

The code requires that an appeal board be available for the appeal process to challenge a decision made by the authority having jurisdiction, which is the building official/inspector.

Each board consists of five members for the following trades: Plumbing, Mechanical, Electrical, and Building. All members have met the testing certifications, continuing education hours yearly, and are licensed with the city of Lansing, which includes insurance coverage and bonding.

The following is a list of active volunteers who have agreed to serve a three-year term on the respective board for their trade. The term will be from November 7, 2019, to November 30, 2022.

NAME	BOARD	YEAR FIRST LICENSED	BEGAN SERVING ON BOARD	TERM ENDING
Joey Denney	Mechanical	1997	1993	2022
Michael Brightwell	Mechanical	1996	1996	2022
Dennis Wacker	Mechanical	1999	2013	2022
Theodore Bryant	Mechanical	1999	2019	2022
Brett Grossenburg	Mechanical	2012	2019	2022
Randy Schwinn	Electrical	2001	2006	2022
Brian Crockett	Electrical	1996	2010	2022
Shawn Stevens	Electrical	2002	2013	2022
Lance Laven	Electrical	2004	2019	2022
David Anaya	Electrical	1997	1993	2022
Russell Broom	Plumbing	2005	2019	2022
Joey Denney	Plumbing	1997	1993	2022
Dan McCann	Plumbing	1996	2004	2022
Terry Scarf	Plumbing	2001	2013	2022
Mike McCann	Plumbing	1996	2010	2022

NAME	BOARD	YEAR BEGAN BUILDING	BEGAN SERVING ON BOARD	TERM ENDING
Mike Beck	Building	1987	2000	2022
Alan Phillips	Building	1984	2013	2022
Larry Hahn	Building	1998	2019	2022
Colby Manley	Building	1999	2014	2022
Sean DeSouza	Building	2008	2019	2022

Action: Staff recommends a motion to appoint the above-named to terms ending November 30, 2022.

AGENDA ITEM #

2

AGENDA ITEM

TO: Tim Vandall, City Administrator *P*
FROM: Matthew R. Schmitz, Director, Community & Economic Development *MRS*
DATE: November 7, 2019
SUBJECT: Ordinance No. 1036: An Ordinance to Rezone 00000 Ida Street from R-4 Multi-Family Residential to R-2 Single-Unit Residential

Explanation: A rezone application has been submitted by Anthony and Nina McNeill, property owners, for property currently addressed as 00000 Ida Street, Lansing, Kansas. This property sits just southwest of the intersection of Carriage Crossing Road and Ida Street.

The property is currently empty, undeveloped ground. The lot is a 7.32-acre parcel, currently zoned as R-4 Multi-Family Residential. The applicant is requesting the parcel be rezoned to R-2 Single-Unit Residential to accommodate a future project on the parcel.

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

As of the date of this memo, staff has not received feedback from surrounding residents regarding this rezoning request.

The Planning Commission voted to approve this rezoning application at its October 23, 2019, meeting with a 6-0 vote. The minutes from the October meeting and the rezoning checklist are included for your review.

Policy Considerations: The proposed rezoning aligns with the Comprehensive Plan. The Future Land Use Map shows this area as Single-Family Residential.

Action: Approve or approve with conditions, remand back to the Planning Commission, or deny adoption of Ordinance No. 1036: An Ordinance to Rezone 00000 Ida Street from R-4 Multi-Family Residential to R-2 Single-Unit Residential.

AGENDA ITEM #

3

ORDINANCE NO. 1036

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 October 23, 2019, 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 00000 Ida Street within the city limits of the City of Lansing, County of Leavenworth, State of Kansas, legally described as follows:

LEGAL DESCRIPTION:

All of Lot 17 in TAYLORS ADDITION TO LANSING a/k/a F.K. TAYLOR'S ADDITION to the City of Lansing, Leavenworth County, Kansas; LESS the North 10.00 feet thereof;

ALSO all that part of Block 13 in the Town of Lansing lying North of Seven Mile Creek, in Leavenworth County, Kansas;

ALSO a tract of land in the Southeast Quarter of Section 24, Township 9 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas, being more fully described as follows: Beginning at the Southwest corner of Lot 14, F. K. Taylor's Addition to the City of Lansing; thence East a distance of 324.00 feet; thence South 00° 10' 52" East a distance of 140.00 feet; thence East a distance of 160.00 feet; thence North 00° 10' 52" West a distance of 140.00 feet; thence East a distance of 80.00 feet; thence South 00°10'52" East a distance of 616.46 feet; thence South 86°12'32" West a distance of 112.74 feet; thence North 76°36'17" West a distance of 68.08 feet; thence North 74°54'19" West a distance of 130.64 feet; thence North 71°45'17" West a distance of 147.37 feet; thence West a distance of 118.60 feet; thence North 00°10'52" West a distance of 528.00 feet to the point of beginning.

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 "R-4" Multi-Family Residential District is hereby changed to "R-2" Single-Unit Residential 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 7th day of November, 2019.

Michael W. Smith, Mayor

ATTEST

Sarah Bodensteiner, 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. 1036: 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. 1036 Summary:

On November 7, 2019, the City of Lansing, Kansas, adopted Ordinance No. 1036, 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: November 7, 2019

Gregory C. Robinson, City Attorney

REZONING CHECKLIST

Checklist Completed by: Matthew R. Schmitz

Case No. 2019-3

Date Filed: September 16, 2019

Date Advertised: September 26, 2019

Date Notices Sent: September 27, 2019

Public Hearing Date: October 23, 2019

MRS

APPLICANT: Anthony and Nina McNeill

LOCATION OF PROPERTY: 00000 Ida Street

PRESENT ZONING: R-4

REQUESTED ZONING: R-2

PRESENT USE OF PROPERTY: Vacant, undeveloped ground

SURROUNDING LAND USE AND ZONING:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Single Family Residential	R-4
South	Single Family Residential	R-4
East	Single Family Residential	R-4
West	School District (Intermediate School)	A-1

CHARACTER OF THE NEIGHBORHOOD: The neighborhood is generally made up of single family residential on large acreage lots. There is a flood plain that runs through the south side of the subject property as well as the entire area.

NEAREST EQUIVALENT ZONING:

LOCATION: North of Ida Street

CURRENT USE: Single Family Residential

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts? No - due to the size of this lot
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? No If yes, explain: _____
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? Yes
2. Consistent with Future Land Use Map? Yes. The Future Land Use Map shows this area as Single Family Residential.

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

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Ida Street
2. Classification of Street(s):
Arterial _____ Collector X Local _____
3. Right of Way Width: 50'
4. Will turning movements caused by the proposed use create an undue traffic hazard? No
5. Comments on Traffic: N/A

SHOULD PLATTING OR REPLATTING BE REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? No
2. Properly Sized Street Right of Way? The Right of Way for Ida is properly sized for the classification.
3. Drainage Easements? No
4. Utility Easements:
Electricity? No
Gas? No
Sewers? No
Water? No
5. Additional Comments: An Administrative Plat is planned to swap property from this lot to the lot addressed as 301 Ida Street in order to provide better access from Ida Street to the subject property.

UNIQUE CHARACTERISTICS OF PROPERTY IN QUESTION: This property is highly impacted by the flood zone along its southern border. As a result, Staff believes that the proposed use is the highest and best use for the subject property.

ADDITIONAL COMMENTS: N/A

Call to Order – The regular monthly meeting of the Lansing Planning Commission was called to order at 7:01 p.m. by Chairman Ron Barry. Also in attendance were Vice-Chairman Kirsten Moreland and Commissioners Jake Kowalewski, Jerry Gies, Nancy McDougal, and Marcus Bean. Commissioner Mike Suozzo was unable to attend. Chairman Barry noted there was a quorum present.

Approval of Minutes, September 18, 2019, Regular Meeting – Vice-Chairman Moreland made a motion to approve the minutes of the September 18, 2019, regular meeting, seconded by Commissioner Bean. The motion was unanimously approved.

Old Business – none

New Business: 1. Public Hearing – Rezone Application – 00000 Ida Street, Lansing, Kansas. Chairman Barry stated that an application was submitted by Anthony and Nina McNeill, property owners, requesting rezoning of this parcel from R-4 Multi-Family Residential District to R-2 Single-Unit Residential District. He stated the property is located at the southwest corner of Ida Street and Carriage Crossing.

Chairman Barry opened the public hearing at 7:03 p.m. Since no one came to the podium to speak, Chairman Barry asked the gentleman sitting in the audience if he wanted to say anything and he stated he did not, that he was here because he got a notice about the meeting. He stated he is the property owner at 301 Ida and he and Mr. McNeill are going to be swapping some of this property. He said he was hoping Mr. McNeill would be here tonight so they could finalize that. Community and Economic Development Director Matthew Schmitz stated that is actually a separate action which will be done through an administrative plat.

Commissioner Gies asked about the reason for the property swap and Mr. Schmitz stated it is to give Mr. McNeill better access to the property on Ida Street. Mr. Schmitz also stated that access now is hard because there are two creeks that affect this property and it is also in the 100-year flood plain.

At this time, Chairman Barry asked for this discussion to be held so the public hearing could be closed. He closed the public hearing at 7:06 p.m.

Chairman Barry next asked members to consider the checklist as a finding of fact. Chairman Barry asked if the right of way listed of 50' is currently on the books for the property and Mr. Schmitz said that was correct, as that right of way is already there on Ida Street. He also stated he can't change right of way through the administrative plat process as it has to be done through the City Council.

Commissioner Gies then made a motion to accept the checklist as a finding of fact, seconded by Commissioner Kowalewski. The motion passed unanimously.

Chairman Barry asked, if the rezoning application is recommended for approval, would it go to the City Council before or after the administrative plat? Mr. Schmitz said they could happen at the same time since it's a separate action and it doesn't matter what the zoning is as far as the administrative plat process is concerned.

Lansing Planning Commission
Regular Meeting
October 23, 2019

Vice-Chairman Moreland asked, if this rezoning application wasn't approved and the two property owners swapped the land, would the owner of 301 Ida, Mr. Kendall, then have a parcel with both R-2 and R-4 zoning? Mr. Schmitz said it's very difficult to have one parcel with two different zonings and that the zoning of the larger part of the parcel would generally rule.

Commissioner Gies asked if the property owners were swapping property behind the houses and Mr. Kendall said Mr. McNeill is taking a portion of the east side of Mr. Kendall's lot and Mr. Kendall is taking a portion of the south side of Mr. McNeill's lot.

Since there were no other questions or comments, Chairman Barry entertained a motion to recommend approval, approval with conditions, or disapproval the rezone application for 00000 Ida Street. Commissioner Gies made a motion to recommend approval. Commissioner McDougal and Commissioner Kowalewski seconded the motion and it was unanimously approved.

Chairman Barry asked when this would go to the City Council and Mr. Schmitz stated November 7.

Notices and Communications – none

Reports – Commission and Staff Members – Vice-Chairman Moreland asked about the status of the subdivision to be built where Lost 80 Park was and Mr. Schmitz said it's still in progress. Commissioner Kowalewski stated there's a utility conflict between Consolidated Water District 1 and Lan-Del. Chairman Barry asked Mr. Schmitz about progress on the review of the Comprehensive Plan and he stated the funding has been approved for it, but can't be spent until January 1 as it's in the budget for 2020.

Adjournment – Commissioner Gies made a motion to adjourn, seconded by Commissioner Bean, and approved by acclamation. The meeting was adjourned at 7:21 p.m.

Respectfully submitted,


Cynthia Tripp, secretary

Reviewed by,

Matthew R. Schmitz, Community and Economic Development Director

MRS

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Elizabeth Sanford, Finance Director
DATE: November 1, 2019
SUBJECT: Ordinance No. 1037 – Amending Chapter 12, Article 2 of the Code of the City of Lansing Regarding Curfew

Ordinance No. 1037 amends Chapter 12, Article 2 of the Code of the City of Lansing regarding the establishment of juvenile curfew restrictions.

Action:

Staff recommends a motion to approve Ordinance No. 1037 amending Chapter 12, Article 2 of the Code of the City of Lansing.

AGENDA ITEM #

4

ORDINANCE NO. 1037

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 2 OF THE CODE OF THE CITY OF LANSING REGARDING CURFEW

An ordinance amending Chapter 12, Article 2 of the Code of the City of Lansing regarding the establishment of juvenile curfew restrictions.

Be it ordained by the Governing Body of the City of Lansing, Kansas:

SECTION 1: Chapter 12, Article 2, Section 12-205 shall be amended to read as follows:

Sec. 12-205. – Curfew

A. Definitions. For the purpose of this Section:

1. “Authorized” means that which has been previously deemed permissible or acceptable by a Parent/Legal Guardian or Custodian.
2. “Custodian” means an adult person, other than the parent, at least 21 years of age, having the legal responsibility for the care and custody of a Minor.
3. “Minor” means any person under the age of 18 years.
4. “Parent/Legal Guardian” means the primary parent or guardian of a minor.
5. “Permit” means to knowingly allow, or to fail to prevent due to lack of reasonable effort, the supervision and control of a minor.
6. “Remain” means to unnecessarily tarry, stay, loiter, or idle.

B. Nocturnal Curfew for Minors.

1. Minors age 15 years and younger. It shall be unlawful for any child 15 years of age or younger to wander, loiter, remain or play in, about, or upon any public street, alley, sidewalk, vacant lot, public place or other place normally accessible to the general public for public use, whether on foot, in a vehicle or by any other means of transportation, between the hours of 10:30 p.m. and 6:00 a.m. unless accompanied by a Parent/Legal Guardian or Custodian. Such prohibition shall not apply to such children who are en route by the most direct and accessible route between their homes and Authorized places of attendance, including but not limited to places of employment or those listed in Paragraph F5 of this Section.
2. Minors age 16 through 17 years of age. It shall be unlawful for any child ages 16 through 17 to wander, loiter, remain or play in, about, or upon any public street, alley, sidewalk, vacant lot, public place or other place normally accessible to the general public for public use, whether on foot, in a vehicle or by any other means of transportation, between the hours of 12:30 a.m. and 6:00 a.m. unless accompanied by

a Parent/Legal Guardian or Custodian. Such prohibition shall not apply to such children who are en route by the most direct and accessible route between their homes and Authorized places of attendance, including but not limited to places of employment or those listed in Paragraph F5 of this Section.

- C. Custodial Liability for Minors. It shall be unlawful for any Parent/Legal Guardian or Custodian to Permit a Minor under his/her care and control to wander about or to Remain in or upon any public street, road, avenue, alley, park or other public place as prohibited by this Section, except in the case of necessity.

D. Enforcement Procedures.

1. If a police officer reasonably believes that a Minor is engaged in activity prohibited by this Section, the officer shall inform the Minor that he/she is in violation of the curfew ordinance and request that the Minor provide his/her complete name and address and how to contact his/her Parent/Legal Guardian or Custodian.
2. If the Minor fails to or refuses to furnish the requested information to the officer, the Minor shall be transported and released to the Juvenile Intake Center.
3. If the Minor furnishes the requested information, then the officer shall keep the Minor within the officer's care until a Parent/Legal Guardian or Custodian can take custody of and responsibility for the Minor.
4. If the Parent/Legal Guardian or Custodian is able to come to the officer's location, he/she shall be required to do so to take custody of the Minor. A citation shall be served upon the Parent/Legal Guardian or Custodian for the curfew violation.
5. If the Parent/Legal Guardian or Custodian is unable to come to the officer's location, then, at the discretion of the Chief of Police or his/her designee, the officer may be allowed to transport the Minor to the Minor's place of residence, provided that the Parent/Legal Guardian or Custodian will be at that residence to take custody of the Minor. A citation shall then be served upon the Parent/Legal Guardian or Custodian for the curfew violation.
6. If the Parent/Legal Guardian or Custodian is unable to come to the scene and is not present at the Minor's place of residence, then the officer shall transport the Minor to the Juvenile Intake Center where the Minor will be transferred into that facility's custody. The officer will complete a citation for the curfew violation and forward it to the municipal court for service via certified mail.
7. The officer shall complete a brief incident narrative detailing the circumstances of the violation, including the name, date of birth, address, phone number, person descriptors, driver's license number and any other necessary information for:
 - (a) The Parent/Legal Guardian or Custodian;
 - (b) The Minor; and

(c) Any and all witnesses or other Minors who were on scene at the time of the incident.

8. If the Minor was operating a vehicle at the time of the incident, it shall be at the discretion of the officer to release the vehicle to the Parent/Legal Guardian or Custodian upon proof of a valid driver's license. Should the vehicle be left at the scene to be picked up later, the officer shall ensure the vehicle is secured prior to releasing all parties involved.

E. Penalties.

1. Any Minor violating the provisions of this Section shall be dealt with according to the laws governing juveniles set forth by the City and the State of Kansas.
2. Any Parent/Legal Guardian or Custodian violating the provisions of this Section shall be guilty of a Class C violation, for which a court appearance shall be required.
3. Upon a first conviction, the court shall assess a fine of \$100.00 against the Parent/Legal Guardian or Custodian.
4. Upon a second conviction, the court shall assess a fine of \$200.00 against the Parent/Legal Guardian or Custodian.
5. For each subsequent conviction, the assessed fine will increase by \$100.00 increments, not to exceed \$1,000.00.
6. Upon any second or subsequent conviction, the court shall report all convictions (and furnish copies of all supporting documentation) to the Department of Family Services and the Leavenworth County Attorney's Office for consideration as a Child-in-Need-of-Care case.
7. If the Parent/Legal Guardian or Custodian is found guilty of a violation of this section after a trial before the municipal court, the court shall notify the Parent/Legal Guardian or Custodian of his/her right to appeal the conviction to the Leavenworth County District Court. If the Parent/Legal Guardian or Custodian is found not guilty after an appeal, then the municipal court conviction so appealed shall not be considered in determining sentencing for subsequent violations of this ordinance.

F. It shall be a defense to prosecution under this section that the Minor was:

1. Accompanied by the Minor's Parent/Legal Guardian or Custodian;
2. Engaged in an employment activity, or going to or returning home from an employment activity, using the most direct and accessible route without any detour or stop;
3. Involved in an emergency situation;

4. On the sidewalk abutting the Minor's residence or abutting the residence of a next-door neighbor, if the neighbor was not the party who reported the Minor's presence to law enforcement;
5. Going to, attending, or returning home (using the most direct and accessible route without any detour or stop) from an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the Minor; or
6. Married, had been married or had the disabilities of minority removed in accordance with applicable law.

SECTION 2: EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its publication in The Leavenworth Times.

PASSED AND APPROVED by the Governing Body of the City of Lansing, Kansas on this 7th day of November, 2019.

{SEAL}

Michael W. Smith, Mayor

Attest:

Sarah Bodensteiner, City Clerk

APPROVED AS TO FORM:

Catalina Thompson, City Prosecutor

Published: *Leavenworth Times*

Date Published:

CITY OF LANSING

FORM OF SUMMARY FOR PUBLICATION OF ORDINANCE

Ordinance No. 1037: An Ordinance Amending Chapter 12, Article 2 of the Code of the City of Lansing Regarding Curfew.

Pursuant to K.S.A. 12-3007 and the 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. 1037 Summary:

On November 7, 2019, the City of Lansing, Kansas, adopted Ordinance No. 1037, amending Chapter 12, Article 2 of the Code of the City of Lansing regarding the establishment of juvenile curfew restrictions. A complete copy of this ordinance may be obtained or viewed at the office of the city clerk, City Hall, 800 First Terrace, Lansing, KS 66043 and is also available at www.lansingks.org. This summary certified by Catalina Thompson, City Prosecutor.

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

DATED: _____

Catalina Thompson, City Prosecutor

AGENDA ITEM

TO: Tim Vandall, City Administrator
FROM: Sarah Bodensteiner, City Clerk *SB*
DATE: November 4, 2019
SUBJECT: Executive Session – Consultation with Attorney

Executive Session will be called for consultation with Attorney.



Kansas Reads to Preschoolers Week 2019 Proclamation

Whereas, Reading is the cornerstone of education, allowing each individual to pursue knowledge; and

Whereas, Knowledge is the finest asset we give to our children and the catalyst for achieving great things in life; and

Whereas, How well children learn to read affects how successful they are in school as well as how well they do throughout their lives, and

Whereas, Reading to babies, toddlers and preschoolers can have an incredible effect on their reading capacity; and

Whereas, Kansas Reads to Preschoolers Week, a celebration of the written word, will encourage young people to discover the complexity of the world beyond their own experience; and

Whereas, The Kansas Center for the Book at the State Library of Kansas desires to assure that all Kansas children age 0-5 years are read to during Kansas Reads to Preschoolers Week;

Whereas, The book "I Like Myself" written by Karen Beaumont has been chosen for this year's Kansas Reads to Preschoolers project; and

Now, Therefore, be it resolved that I, Michael W. Smith, Mayor of the City of Lansing, do hereby proclaim November 10-16, 2019, as

"Kansas Reads to Preschoolers Week"

and urge all citizens to join in celebration of the Kansas Reads to Preschoolers program and read "I Like Myself" to your special someone.

In witness thereof, I have hereunto set my hand and caused the official seal of the City of Lansing, Kansas to be affixed. This, the 7th day of November, in the year of Two Thousand and Nineteen.

City of Lansing

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk



Veterans Day Proclamation



Whereas: the Leavenworth County Veteran's Day Parade is celebrating its 100th anniversary; and

Whereas: this nation is kept strong and free by loyal citizens who preserve our precious freedom heritage through their positive patriotic declarations and actions; and

Whereas: all loyal citizens should make it their duty to inspire complete patriotism among all of our people; and

Whereas: we urgently need a vigorous display of true red, white, and blue Americanism, thus convincing friends and foes alike that our nation is firmly united for self-preservation.

Now Therefore: I, Michael W. Smith, Mayor of the City of Lansing, State of Kansas, do hereby urge each individual, school, church, organization, business establishment and household within the City of Lansing to publicly reaffirm their strong allegiance to our Flag, Country and the men and women in uniform, through active participation in patriotic programs sponsored by the Veterans of Foreign Wars and designate November 11, 2019 as:

"Veterans Day"

In witness thereof, I have hereunto set my hand and caused the great seal of the City of Lansing to be affixed this 7th day of November, in the Year of Two Thousand and Nineteen.

City of Lansing

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk