



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

COUNCIL AGENDA
Regular Meeting
Thursday, May 17, 2018
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

Discussion:

2. Tiny Home – 201 W. Kay Street
3. Urban Growth Management Area

Council Consideration of Agenda Items:

4. Ordinance No. 997 – Lansing Zoning Ordinance Amendments
5. Infill Development Incentive Policy

Reports:

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

Proclamations:

6. National Kids to Parks Day
7. National Public Works Week

Other Items of Interest:

8. Department Vehicle and Equipment Mileage Reports

Adjournment

AGENDA ITEM

TO: Tim Vandall, City Administrator

FROM: Sarah Bodensteiner, City Clerk



DATE: May 11, 2018

SUBJECT: Approval of Minutes

The Regular Meeting Minutes for May 3, 2018, are enclosed for your review.

Action: Staff recommends a motion to approve the Regular Meeting Minutes for May 3, 2018, as presented.

AGENDA ITEM #

Call To Order:

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

Roll Call:

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

Councilmembers Present:

Ward 1: Dave Trinkle and Gene Kirby

Ward 2: Andi Pawlowski and Don Studnicka

Ward 3: Jesse Garvey and Kerry Brungardt

Ward 4: Tony McNeill and Gregg Buehler

Councilmembers Absent: None

OLD BUSINESS:

Approval of Minutes: Councilmember Buehler moved to approve the regular meeting minutes of April 19, 2018, and the special meeting minutes of April 26, 2018, as presented. Councilmember McNeill seconded the motion. The motion was unanimously approved.

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

Presentation

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Election of Council President: Councilmember Buehler moved to nominate Councilmember Garvey as President of the Council. Councilmember McNeill seconded the motion.

Councilmember Pawlowski moved to nominate Councilmember McNeill as President of the Council.

- Councilmember Kirby stated I'll second it if you want to do it.
 - Councilmember McNeill replied no.
 - Councilmember Pawlowski asked do you want it Tony.
- Councilmember McNeill replied no.

Councilmember Pawlowski's motion died for lack of a second.

The Council voted on the nomination of Councilmember Garvey as President of the Council. The motion was unanimously approved.

Approval of Bid – Capital Improvements Program 2018: Councilmember Studnicka moved to approve the bid of Little Joe's Asphalt in the amount of \$281,968.39 for Project 18-01: 2018 Capital Improvements Program. Councilmember Kirby seconded the motion.

- Councilmember Pawlowski asked Jeff how come this is so much less than normal.
 - Public Works Director Jeff Rupp replied because we're funding some of the money out of this particular fund and it's going towards the bridge that we're repairing, and it will also have some pavement connected to it, so that's why the numbers are a littler lower this year. But we did get some competition, others got pretty close this year.
- Councilmember Buehler stated a couple years ago they did 4-H Road and there were some issues and they came and fixed it, we used them last year did we have any of the same issues.
 - Public Works Director Jeff Rupp replied no because 4-H has a different paving, it's like a chip and seal surface.

The motion was unanimously approved.

Approval of Design Services: 147th Street Roundabout and Concrete Box Project: Councilmember Brungardt moved to authorize the Mayor to sign the contract of Alfred Benesch & Company in the amount of \$116,565 for design services for the 147th Street Roundabout and Reinforced Concrete Box project. Councilmember Buehler seconded the motion.

- Councilmember Studnicka asked has our engineer looked at all of this yet.
 - Councilmember Buehler stated it's not designed yet, that's what this is for, the design.

The motion was unanimously approved.

Infill Development Incentive Policy: Councilmember Trinkle moved to approve the Infill Development Incentive Policy, as presented. Councilmember Buehler seconded the motion.

- Councilmember Kirby stated Dave and I were talking about this and we feel like maybe twenty years is a tad too long, we'd like to see maybe knocked down to ten years.

- Councilmember Trinkle stated especially when you say vacant for twenty years, maybe it's only been down for ten years. I don't know how we write that, how do we do that?
 - City Administrator Tim Vandall responded if that's what you guys want to do that's fine, the reason why it was twenty instead of ten is at ten years it really does expand who is eligible and who's not, where at twenty years it's more targeted at a certain area, but we'd be open to that if you guys wanted to revise the motion or do whatever.
- Councilmember McNeill asked Tim can you graduate it. Right now we're helping people tear down homes on a lot, so then they have to wait ten or twenty years to build on that before they get a deal. I know some homes are in some of the places we want to re-build in.
 - Councilmember Pawlowski stated some of those lots aren't buildable.
 - Councilmember Brungardt replied that's okay, then they don't build, but you've got the option.
 - Councilmember McNeill stated we're assisting people in tearing down homes right now in a program, so then there should be some incentive to actually build a new house there, and if you have to wait ten or twenty years, it just seems like maybe you can graduate it; if you're building in one of those areas we've already designated; five years after you get this kind of cut on it, ten years this kind, and twenty years you get the free one or whatever.
- Councilmember Garvey asked does anybody else in the KC Metro area have this kind of plan.
 - City Administrator Tim Vandall replied I think there is infill development policies but I'm not sure what each city does.
 - Community & Economic Development Director Matthew Schmitz stated this is something that was evaluated in my previous employment also, I don't think they ever came to an agreement with that they wanted to do with a policy, but that is definitely something other cities have looked at. I'm okay with what this Council wants to do
- City Administrator Tim Vandall stated if you guys wanted to modify the years, I'm fine with that.
- Councilmember Trinkle stated it's just we want to try and that's the reasoning that Tony and everybody said that's what we wanted to do, we want to try to include everything and give the incentive to build; I guess the vacant for twenty years is the word.
 - Councilmember Buehler stated let's do what Tony said.
 - Councilmember McNeill stated graduate it.
 - Community & Economic Development Director Matthew Schmitz we can graduate it and the other thing you could do if the Council wanted to, you could also set it up so that if it removes a home they would qualify for this immediately, so that's another option as well.
 - Councilmember Buehler stated that makes sense.
- City Administrator Tim Vandall stated so ten years and add that sentence.
- Community & Economic Development Director Matthew Schmitz stated we can add that sentence that if you're removing an existing structure, we can come up with some wordsmithing for that to make that work.
 - Councilmember Studnicka stated that takes care of the guy that comes into town and buys a lot and tear that's house down, now he wants to rebuild a house there, that takes care of him.
- Community & Economic Development Director Matthew Schmitz stated if you wanted to change the vacant years to ten or fifteen or twenty or whatever for the vacant piece of it, then you could add something about if they are removing an existing property because of blight or deteriorated or dilapidated or whatever term you want to use, then they qualify immediately.
 - Councilmember Buehler stated I like that.
 - Councilmember Trinkle stated I like that too.
- Councilmember Pawlowski stated but specifically we don't want it in newer subdivisions.
 - Community & Economic Development Director Matthew Schmitz replied correct and that's what we went with the twenty years.
 - Councilmember Pawlowski stated they did the twenty years so it wouldn't be like a Rock Creek Loop or something, because there are vacant lots up there.
 - Councilmember Studnicka stated I think we can qualify it to what we want in our older part of town.
 - Councilmember Trinkle stated but it also says in there that it does not apply to new subdivisions, so I'm concerned about tearing a house down, and vacant for twenty years is too long for me.
 - Community & Economic Development Director Matthew Schmitz stated the concern that staff had with not putting something in there as far as new subdivisions, we don't want a developer to come in and

sub-divide the property and then let it sit for ten years knowing that they could get this incentive if they waited.

- Councilmember Trinkle stated it's needs to be where if they do it, they qualify, it's immediate, they have to start. That's the only thing, I didn't mean to stir up the hornets' nest.
 - Councilmember Buehler stated it's been good discussion though.
- Councilmember Kirby stated twenty is a long time.
- Councilmember Pawlowski stated maybe we should table it.
 - Mayor Smith stated yeah, we need to withdraw the motion and we can table this for now if you all want to and bring it back with the wording.
 - Councilmember Kirby stated come back with something else, you've got an idea into what we're looking for.
 - Community & Economic Development Director Matthew Schmitz replied it sounds like the Council from what I'm hearing, it sounds like the Council is wanting to add something where if there was a home removed, then they would immediately qualify for this and then maybe do you want to do a graduated schedule over a ten, fifteen, twenty-year period.
 - Councilmember Pawlowski asked what would be the qualifications for the graduation.
 - Community & Economic Development Director Matthew Schmitz replied time.
 - Councilmember McNeill states it's time but you might for five years only get twenty-five percent off a sewer hook-up, if it's ten years you get this, and if it's twenty you get it for free.
 - Community & Economic Development Director Matthew Schmitz replied we can do that, the other thing, and Tim you could probably speak to this better than me, but the other thing we could do is bring it back to a work session and come up with whatever it needs to be.
 - City Administrator Tim Vandall stated that one thing I'll say to that though is I've been hearing about this from a couple of Governing Body members and our next open work session is August.
 - Councilmember Buehler stated okay, so write something up and say this is the proposal we're putting together, let us look at it and we can make our corrections and do it next meeting.

Councilmember Buehler withdrew his second.
 Councilmember Trinkle withdrew his motion.
 The motion was withdrawn.

Councilmember Pawlowski moved to table the Infill Development Incentive Policy. Councilmember Kirby seconded the motion. The motion was unanimously approved.

Eisenhower Crossings Subdivision Facilities Use Agreement: Councilmember Kirby moved to approve the Eisenhower Crossing Phase 2 Facilities Use Agreement, as presented. Councilmember Garvey seconded the motion.

- City Administrator Tim Vandall stated as you guys know this was submitted almost a year ago, the preliminary plat was approved a while back. Couple of things that are unique, we had talked about how Kane Drive was originally going to be partially paved as part of the DeSoto Road project, during our discussions with the developer we had talked about that in terms of we can spend forty-thousand dollars to pave a portion of Kane Drive that really doesn't facilitate new growth or we can spend forty-thousand dollars to help connect Progress Drive to DeSoto Road, and I think that helps facilitate new growth. And a second component of that is if you guys remember back in September of 2015 we had a lot of angry people in Fairway Estates about drainage issues, not that those were caused by the City, but there were probably twenty or twenty-five citizens here voicing concerns about drainage. This would help out some of the drainage a little bit, it won't solve every problem; if there is still a four inch rainfall there is still going to be a lot of water out there, but a portion of the

land is going to drain into the retention pond and the retention pond is going to have increased capacity, so that's why the twelve-thousand dollars is in there because there is a tangible benefit outside of the subdivision.

- o Councilmember Buehler asked how is the retention pond going to have an increased capacity, are they going to tear down a wall and move it.
- City Administrator Tim Vandall replied I think they are lowering the tube, is that right Jeff?
 - Public Works Director Jeff Rupp replied they are going to lower the outfall of how the pond discharges, which what it does is creates a little bit higher volume of capacity by the normal water level. By them lowering that part the water level goes down at its natural state, so it actually creates a little bit more storage.
 - o Councilmember Buehler asked so that's already been done.
 - Public Works Director Jeff Rupp responded it will be.
 - Councilmember Buehler stated okay so it hasn't been done yet.
 - o Councilmember Garvey stated they are adjusting the spillway basically.
 - Councilmember Kirby asked so this would happen, let's take Fairway Estates out for a minute, but this would have to be done anyway. The benefit to Fairway, let's take that out, and talk about the pond, they would need to do that regardless of Fairway Estates.
 - o Councilmember Buehler stated if they are going to use that retention pond for storm water.
 - Councilmember Garvey stated I think what he's saying is they are not doing it to benefit Fairway Estates, they are just doing it because they have to.
 - Public Works Director Jeff Rupp responded yeah.
 - o City Administrator Tim Vandall replied that's probably accurate.
 - Councilmember Kirby stated they are going to have to do something with the pond whether it effects Fairway Estates or not.
 - City Administrator Tim Vandall stated to that, I would say there is a tangible benefit to property in that subdivision.
 - o Councilmember Kirby stated I understand that. We also had a lot of other mad people up here in 2015 and it didn't have anything to do with Fairway Estates. There are all those people that live along the creek and their issues, in my opinion, were more pressing than houses on Fairway Estates, so it's not just Fairway Estates that was affected by that.
 - Councilmember McNeill stated my question was on Kane, was the original plan to have Kane and what is that Winslow, that runs on the other side of the structure, to me that would make more sense to have those roads in just mainly because the water flow; it would hit that main street and go down the storm water drain. So, you have that blocking it as well as the retention pond, I mean from the City's perspective that really solves the problem more so on Fairway's side, than putting Progress over to DeSoto. That also gives another out-street coming into DeSoto which I'm not sure about, I mean we already have Kane why would we want to add another one, plus Kane is already an unimproved surface.
 - o Public Works Director Jeff Rupp stated I think the classification of what Progress would be compared to Kane is fairly significant difference on what traffic is going to be conveyed through there as a major crossover and street to create that development on that corner. Kane the way it was going to be originally in the DeSoto Road project I think we were only going to go back and pave one hundred or one hundred and fifty feet from DeSoto and at that point, the slope comes back to DeSoto Road. There still is a curb cut, for lack of a better term, there still is an entrance that we're going to pave like twenty-five feet, there will be curb returns there that help define that street a little bit better than what it is now, but Progress is, really if you look at that knot or that portion there that needs to be developed, Progress is the street that needs to be cut through and continued on.
 - Councilmember Buehler asked is it going to cut through the cul-de-sac at the end of Progress there.
 - Public Works Director Jeff Rupp stated where it currently ends now it bends and comes due West and hits DeSoto Road.
 - o Councilmember Garvey stated so it goes up into the tree line.
 - Public Works Director Jeff Rupp replied yeah. If you could envision this being DeSoto Road and this being Progress, they connect right here. With Ichiban being up there and it comes around like this. Of

course you've got all these lots to the north for the development and it makes sense to add Progress.

- Councilmember Buehler asked and we're going to be able to do that for forty-thousand dollars.
 - City Administrator Tim Vandall replied I think where that number came from was we had asked PEC for the equivalent amount of what one-hundred or one-hundred and fifty feet of paving on Kane was, and I think that's what they had said, that forty-thousand dollar figure.
 - Councilmember Pawlowski stated that was back when we looked at the first plat, correct.
 - City Administrator Tim Vandall responded that number came from about a year ago.
- Councilmember Pawlowski stated as I remember the first time we looked at this development they had duplexes on Kane, do you remember.
 - City Administrator Tim Vandall stated there used to be assisted living, but I don't know about duplexes.
 - Councilmember Pawlowski stated I think there were duplexes back there that were not really assisted living.
- City Attorney Gregory Robinson stated I think those were transitional if I remember right. They were where you first started moving into them and then you transitioned as you needed more care.
 - Councilmember Pawlowski stated the agreement we made with the developer was that we would pay half of the cost of Kane Drive at that point, and I think the number that was floated was forty-thousand dollars. In this facilities use agreement, talks about these improvements exercise stations or park fees and then some other issues; is there going to be a home owners association that is going to take care of that exercise station deal, or is the City going to be required to take care of that?
 - Dan Carr Developer for Eisenhower Crossing Subdivision stated to answer your question, yeah, we're going to have a HOA, home owners association that will pay into the association to take care of that. If you notice in the document, I think it's either we pay the park fee or we do the equipment, it's an either or and we haven't decided which direction to go there.
- Councilmember Kirby asked who decides when you've met the fifteen-thousand dollars.
 - City Administrator Tim Vandall replied that is up to Jason.
- Councilmember Buehler stated I have an issue with the whole thing. We've done this in the past, we've waived the park fees and the subdivision gets their little thing and nobody else in the City gets it, and park fees are for parks, it's so that Tony can take his grandchildren to the parks that we have in the City and for parks improvement and not limiting it to one housing area, so I am completely against waiving the park fees period.
 - Dan Carr Developer for Eisenhower Crossing Subdivision stated if I may add, we aren't going to waive the park fees.
 - City Administrator Tim Vandall stated we wouldn't.
 - Councilmember Buehler stated but it says one or the other.
 - City Administrator Tim Vandall stated if they put the equipment in they don't have the pay the park fee.
 - Councilmember Buehler stated I am against doing anything and giving up our park fees, because park fees benefit the whole City and they don't just benefit a subdivision and we've had that happen on multiple occasions where we've done this and we end up hurting the rest of the City, the rest of the residents of this City don't get to use that facility.
 - Dan Carr Developer for Eisenhower Crossing Subdivision replied this may be a little bit unique in that it's not in the subdivision, it's actually on your trail. So it's on your walking trail that you have back there which will have access to the public, so it's back behind our housing, so it's really not benefiting our housing, it's on that trail that goes around that pond. So it's not necessarily for our neighbors, we thought it would be good because we put the trail around that pond and

add that equipment; so maybe it's a little different, but we're fine paying the fee.

- Councilmember Buehler asked so the trail, the equipment is going on the trail that is already there around the pond, so it's not subdivision specific.
 - City Administrator Tim Vandall stated correct, I even think our policy changed that to where if there was a new subdivision that put in a playground, they couldn't limit that, I thought our policy changed that.
 - Councilmember Buehler responded we've done it for a pool, we've done it for other things.
- Dan Carr Developer for Eisenhower Crossing Subdivision stated the pond sits right here, this is a separate tract right here; your trail goes here around the pond, and the equipment would go here and our subdivision is here. I don't know if it's all clear but this Tract A is where the equipment would go on the trail.
 - Councilmember Buehler asked so right there in the corner, okay I know where you're talking about.
- Dan Carr Developer for Eisenhower Crossing Subdivision stated we're happy to do either or, we just thought it would be a better benefit to the neighborhood.
- Councilmember Buehler asked is that something...is Jason here.
 - City Administrator Tim Vandall replied no, Jason comes in when it comes time to evaluate the cost of the equipment, but Jason is aware of it because we talked about how it would be a positive because there is a medical facility there, so were thinking that's actually a good idea if you're taking your mother to a doctor's appointment you can walk around the trail for forty-five minutes or something like that. Just the way it is laid out it's going to benefit the whole area.
- Councilmember Garvey stated and you can walk from your neighborhood on that trail.
- Councilmember Buehler stated I use the trail on a regular basis, so I'm not saying I'm against it when it's put out that way, I just want to make sure that's something everybody in the City can use instead of some of the restricted things we've had put in in the past.
 - Councilmember Pawlowski stated but the HOA is going to pay for the up-keep.
- Councilmember Buehler stated I have a question about all of the sewer stuff, because I don't know what RCP flared end section with concrete toewalls are.
 - Councilmember Brungardt asked what did you say Gregg.
 - Councilmember Buehler replied I said I have a question about the sewage because I don't know what all the descriptions are. So is everything going to be underground, are we going to have open storm water, like we have down there in Ward 4 where the concrete starts to deteriorate and it just becomes an eye sore, and it gets expensive to fix; what is it?
 - Public Works Director Jeff Rupp stated if you're talking about storm water, you have some areas that are, of course the subdivision right now will not be fully developed so there is going to be some flow that either come down and be caught by a catch-basin or field-inlet that runs water underground through unenclosed pipe systems. But there are areas that we are going to discuss probably shortly that have surface water that comes to a swale, that runs through a graded defined area that eventually gets to an enclosed system and gets out to the pond, so it's a little bit of both.
 - Councilmember Buehler stated we have some of those swales that we've had problems with, we've had maintenance issues, they become eye-sores, they are expensive, they smell, so I would prefer everything being underground I guess.
 - Councilmember Garvey stated catch-basins are fine, like on Gamble and Ida, you've got the catch-basin's over there where Greenamyer built those duplexes, those are perfect because it's mostly below the ground, but like Gregg's talking about those ones above the ground, the concrete breaks apart and collapses, and the next thing you know the water is coming down and hitting a wall and splashing out into the neighbor's yard.
 - Councilmember Kirby asked how deep are these swales going to be at the lowest.

- City Engineer Matt Harding stated they are a couple feet deep, I can give you the exact if I can find it, but they are basically a couple feet deep.
 - Councilmember Kirby asked a couple feet deep and how wide.
 - City Engineer Matt Harding replied some are like two foot at the bottom and then like eight feet or six feet at the top or something like that.
 - Councilmember Kirby stated six or eight feet across and then two foot deep.
 - City Engineer Matt Harding stated about a couple feet deep, some are two foot or less.
 - Councilmember Kirby stated the way this is set up right now, these are going to run in people's backyards, is that right.
 - City Engineer Matt Harding replied these will run in people's backyards and side yards. Here are some swale drawings; the engineer doesn't give us a depth of those swales, there is a grading plan if you can see it's roughly a couple feet deep.
 - Councilmember Studnicka asked and it's going to run across the backyards of the new development.
 - City Engineer Matt Harding replied yes, they are on the backs of these lots, they are coming down the backs of these lots, they will be at the backs of these lots, coming down the side of this lot, they'll be coming down the side of this lot.
 - Councilmember Brungardt asked how wide is this right there.
 - City Engineer Matt Harding stated it doesn't say, it's two foot wide at the bottom, that one's four foot wide at the bottom, some of these are four foot wide and some of these are two foot wide.
 - Councilmember Kirby stated I guess my concern is these are going to be running through people's backyards, and it's safe to assume there are going to be kids in those backyards, and if we're going to worry about flooding and what it does to property, I think we need to concern ourselves with open pits with rushing water and little kids, so I'll throw that out there for what that's worth.
 - Councilmember Studnicka stated all this water is going to go into the existing pond, is that what I'm understanding.
 - Public Works Director Jeff Rupp stated most of the water is going to go through the enclosed pipe system, there are swales there that are behind the rear of these houses; there are some issues with the swale behind the houses that we brought up and I think the developer has brought up about the design that I think we're going to talk about here in a little bit and we can discuss it now. The velocity is not very fast through the back of these, so I don't think we've got any big sweeping magnificent rain that's going to flood the back of these places, but it's right at the point where our current standards, that there is supposed to be rip rap placed in the swales, which is not aesthetically pleasing for this subdivision, so there's a question that will be facing the Council here, we had staff look and even had a third-party engineering firm take a look at the swales and the velocities, and also the storage capacity of the swales and to see if they work with just being a grass swale which is what the developer is wanting to have because they are more esthetically pleasing. If you put all that stuff in the way that you would normally do it, basically the way our technical specs call for with rip rap, then there is almost like a benching at the rear of the yards which cuts into what is a very small rear yard, so aesthetically it really changes the pleasingness of the rear yard feel or ambiance of the place. So one of the things the developer has asked for is to have a variance to change a couple of our specs but still meets, for the most part, APWA technical specifications and it would have to be something we accept because right now, under our technical specifications the velocity would require rip rap to go in those swales and of course that's a maintenance issue.
 - City Administrator Tim Vandall stated and just to clarify, the velocity issues are only on a one-hundred year storm, so it's not like we're going to be having velocity issues every time there is one-inch of rain.
 - Public Works Director Jeff Rupp replied correct, most of the common storms, the most common being a two and a five, all that water is going to be contained right within the swale itself and of course the rip rap is supposed to slow it down, that's the main reason for it, to slow down the travel and velocity of the water when it's a heavier rain. There is some value to that, but as Mr. Vandall said the one-hundred year storm is like a not very frequent storm.

- Councilmember Pawlowski stated since I've lived in my house we've had three or four of them.
 - Councilmember McNeill stated they occur every other year instead of one-hundred.
 - Public Works Director Jeff Rupp stated the subdivision is designed that once the roadway floods the ten-year flood design and the enclosed system floods it comes up and floods the street and once it floods the street it floods the subdivision, and the subdivision is usually designed so that it flows and maintains the flood for a period of time that it all flows out, so that's the way subdivisions are designed, and right now we're kind of looking at this particular thing for this particular subdivision is we can hold to our technical specs but it might end up with a worse product in the long term, for maintenance for the ambiance of the subdivision, it's a matter of engineering.
 - Councilmember Studnicka asked where is this water going to go.
 - City Engineer Matt Harding replied the bulk of this water, this portion of the subdivision out here on DeSoto, that's going to go this way, this water will come and either be picked up either on Progress Drive or on Pinehurst, except for this portion in the south, these corners are going to go off-site and not be detained in the pond. But most of this is going to get picked up and then directed to and routed through the detention facility.
 - Councilmember Studnicka stated that's my question, the pond right now isn't sufficient to handle the problems we've had and you're going to add more to it.
 - City Administrator Tim Vandall stated they are increasing the capacity.
 - City Engineer Matt Harding stated it's actually going to improve things because right now this water is by-passing the pond, there's nothing to catch it, so when they improve this it will pick this water up and direct it through the detention pond, so actually more water after the development will be routed through the pond. Right now, a lot of this water is falling here and is going off-site and not being detained, so now some of this water is going to actually be directed to the pond.
 - Councilmember Buehler stated and with the lower base, it will allow that much water to stay there.
 - Councilmember Garvey stated the water level at that pond is down what ten feet below the top grade.
 - City Engineer Matt Harding replied I don't think it's ten feet.
 - Councilmember Brungardt stated I just need somebody to explain this to me in simpleton's terms, we had the plans verified by a third-party engineer that stated the solution was reasonable. Why did we have to go to a third-party engineer? Can someone explain it to me so I understand?
 - City Administrator Tim Vandall replied sometimes smart people disagree, sometimes good people disagree; I think we have one person on staff who said one thing and one person on staff said another, and I contacted a third-party engineer to get their input on it. There was no malicious intent behind that, but it is tough when you have the City Engineer saying one thing and the Public Works Director saying something else and I'm not an engineer, so I called a third one.
 - Councilmember Pawlowski stated but Matt is supposed to make sure those plans fit our technical specifications and we know they don't, right.
 - Councilmember Brungardt stated that was the other thing that bothered me, was that it said although it doesn't meet our standards it does meet the American Society of Public Works Division 5600 requirements, which honestly, I don't understand. But that's not our standards, I do understand that.
 - Councilmember Pawlowski stated but those aren't our standards.
 - Public Works Director Jeff Rupp replied the reason why that statement was made is because that's the national standard across the United States, and most municipalities use the American Society of Public Works Association, and some of our standards are extremely high, not to say that it's wrong, if that's what we want that's what we want, but in this particular case for all the reasons we're trying to bring development to Lansing, lots of different things were looked at and discussed to make this thing work and I don't know moving from a one-foot freeboard to a half-foot freeboard which is your storage capacity above your normal flow level

in the ditch is going to make that big of a difference, and that's one of the things we were looking at.

- City Engineer Matt Harding stated and this comes down to your decision if it meets the APWA standards then you would move forward and if it doesn't then you might think about it. According to the APWA standards, all habitable structures have to be sixty-feet away from the top of the swale, our standards say all habitable structures have to thirty-feet, half that distance, but our standards say it has to have one-foot freeboard, APWA says you have to have half of that, but you have to be double the distance away from the swale. Also APWA, the section of APWA that I think are being referred to here say that, well some of these lots, the houses will not be sixty-feet away from the top of the swales, so they would not meet the requirements of APWA.
 - City Administrator Tim Vandall stated and I'll say there is internal disagreement on that.
 - Councilmember Buehler stated the standard should be simple if it says it has to be sixty-feet away.
 - City Administrator Tim Vandall stated and we're being up front in saying it's a proposed compromise.
 - Councilmember McNeill asked so what happens when something goes wrong and somebody comes in and says you didn't meet even the standards. What they've done is take a standard that said it could be a half-foot for sixty, threw out the sixty and threw thirty on there and kept the half-foot, because the half-foot meets it under that requirement. That's taking just a part of the standard and applying it to the whole standard, which in my view you can't really do.
 - Councilmember Pawlowski asked legally, say something happens, what happens if we don't follow our own rules.
 - City Attorney Gregory Robinson replied you get sued, but the caveat to that is that you're going to get sued no matter what anyway, so whether you do it right or do it wrong you're still going to get sued, its just a matter of the potential liability.
 - City Administrator Tim Vandall stated like I said guys we had twenty-five people at a meeting just a couple of years ago complaining about a drainage problem that we didn't even create, so keep that in mind if there is five or six inches of rain, it doesn't matter if it's a one-hundred year storm, you might get a one-hundred and one year storm, I think we need to be a little bit reasonable, but that's your call.
 - Councilmember McNeill stated my other question has to do with the traffic study, so the original traffic study was done in '05 so thirteen years ago, it was basically counting numbers on Eisenhower.
 - City Administrator Tim Vandall stated the previous traffic study was based on an assisted living complex on the property.
 - Councilmember McNeill stated okay, but coming out where, what main roads was the study based on. I was trying to do the numbers but the numbers you have in there don't make any sense to me because the missing number is the actual estimate of peak trips in the study. Whether that was the max for the old one, the max for the new one and a ninety-one percent reduction.
 - City Administrator Tim Vandall replied that verbiage was from the Planning Commission meeting, so I mean I'd have to double check that. We do have the traffic study here, but basically what I wrote was from the Planning Commission meeting where it was approved.
 - Councilmember McNeill stated since we have another road coming out on DeSoto; DeSoto is packed I take it every morning, this shows a peak of something in the p.m., I didn't see an a.m. peak number, normally there is a morning one and an evening peak, so I'd like to see the original study, I have no idea.
 - City Administrator Tim Vandall stated we've got it on file if you want to request it.
 - Councilmember McNeill stated it says the Planning Commission unanimously approved it, but they had conditions in the approval that I didn't see. One was that the responsibilities will be covered in the FAU, I didn't really see that. Does anybody know what paragraph that was?

- City Administrator Tim Vandall replied there were three conditions to the Planning Commission's approval.
 - Councilmember McNeill stated it did address one that had to do with occupancy, only it was actually stated as no building permits will be issued until the sewer project was completed.
 - City Administrator Tim Vandall stated that is updated in the Facilities Use Agreement.
 - Councilmember McNeill stated but that states occupancy permits which are different from building permits.
 - City Administrator Tim Vandall replied you can't have an occupancy permit without a building permit.
 - Councilmember McNeill replied true, but why is it written in there that way. I'm saying if we're going to have conditions from the Planning Commission that says we approve this with these conditions and then we don't say what the conditions are and we don't cover them in the FUA.
 - City Administrator Tim Vandall stated I put the Planning Commission minutes in there and on page three and four of the Planning Commission minutes it says pretty clearly what the three conditions are.
 - Councilmember McNeill stated in the FUA those should be included.
 - City Engineer Matt Harding stated I think those were there was insufficient sewer capacity to sewer this project, so they wanted to make sure that the sewer was built, which we have plans to build the sewer to the subdivision. They wanted to make sure that was built so it could service this area, I think that was the reason this was brought about building permits and occupancy permits, I don't remember the exact wording.
 - Councilmember McNeill asked it had to do with sewer capacity.
 - City Engineer Matt Harding replied it had to do with the sewer capacity.
 - Councilmember McNeill stated right, I've got that piece, but the pond one I'm still stuck on. Is the pond, who owns the pond? When the pond overflows in a hundred-year flood that happens ten years from now, and the pond wall falls apart, who's got the pond?
 - City Administrator Tim Vandall stated it's the property of the medical facility.
 - Councilmember McNeill stated okay, I think it should be listed in there who has responsibility with the pond in the facilities use agreement.
 - Councilmember Pawlowski stated I have heartburn with the forty-thousand dollars for Kane. I've talked about it before we still have to do Kane, and it's still a gravel road, there are still three properties on it. We gave the developer money when we went through the DeSoto Road project, we made them an offer they didn't like it, we gave them more money. Kane still has to be paved and we're not a big city, 3.2 million dollars a year in property taxes is all that we get and I just really have heartburn with the forty-thousand dollars.
 - Councilmember McNeill stated I have a question on the sewer, the eight housing occupancy, Tony you're totally good with that. If the project doesn't get completed and we get eight families in there and then all of a sudden, we start having issues on the sewer backing up on the other side.
 - Wastewater Utility Director Tony Zell replied I think the City showed good faith and we're willing to move forward doing that sewer improvement project. We're making good progress on it, it's just trying to work out the timing of accommodating this development and also accommodating the sewer improvement project to get those flows. I've talked with Tim about it and we've got a flow meter downstream of that location that I've been monitoring to keep an eye on those flows, to see if there are indeed issues and I haven't seen any thus far. Again, trying to figure out exactly the developers timing, being ready to issue occupancy permits in the spring of next year is about the time we finish up with our sewer project.
 - Councilmember Kirby asked where are we at, are we still in the design.
 - Wastewater Utility Director Tony Zell replied we are currently under design. We met today and went through alternative review and we're meeting with the golf course next week, we should have sixty-percent plans in the next forty-five days, and we'll start

easement work here very shortly; we've got a pretty compressed time schedule, but we're trying to hit the November 1st start date.

- Councilmember Kirby stated if I'm understanding this right, currently it would take care of eight houses.
 - Wastewater Utility Director Tony Zell replied the flow study that was done indicates that there is not capacity to service any additional flows, which is the reason why we looked at the timing of when this comes on board versus when we will be ready to accept it.
 - Councilmember Kirby stated so it's going to be realistically how long for the sewer line gets done?
 - Wastewater Utility Director Tony Zell responded I would say less than a year from right now. We have to be through the golf course through March, that is what we promised them on the project so that's near the end of the project so I would consider April or May to be realistic, all factors considered.
 - Councilmember Kirby asked cost estimates on this are eight-hundred.
 - Wastewater Utility Director Tony Zell responded we'll have a cost estimate update here for you in the next forty-five days. We looked at some challenges that we've discovered trying to get across K-7 Highway and trying to shoehorn this thing in between twelve inch water lines, thirty-six inch storm sewer lines, and actually going across K-7 diagonally, we met with KDOT today as a matter of fact, so we're evaluating all options to try to facilitate getting this done as fast as we can.
 - Councilmember Pawlowski asked so you think it's going to be more than eight-hundred thousand dollars.
 - Wastewater Utility Director Tony Zell stated the eight-hundred thousand dollars, just to clarify, was for the original project 1, through the golf course and then up to Marion Drive. With the addition of all of the improvements east of K-7 Highway and going out south across the golf course and picking up the additional diverted flows from the Willows, that runs alongside Fairway Estates, it is going to add to the cost. So it is not going to be eight-hundred thousand dollars, it will be more than that and we'll have an update and cost estimate to you soon.
 - Councilmember Pawlowski stated I thought we were going to do this project at the same time as the other project.
 - Wastewater Utility Director Tony Zell replied we will be doing this project in the golf course section, this is probably the easiest way to think about it, take the existing golf course project that we looked at which runs right through the middle, pick that up and move it all the way to the south property line.
 - Councilmember Pawlowski asked so we're not going through the golf course anymore.
 - Wastewater Utility Director Tony Zell replied we are going through the very south property line right behind the homes on Woodland.
- Councilmember Pawlowski asked but we're designing the other one right.
 - Wastewater Utility Director Tony Zell stated correct, because as things change we want to be able to have that flexibility to service the golf course and any other properties that would develop around there.
 - Councilmember Pawlowski stated so we're not doing the one that goes down the middle we're doing it along the south, and that one was 2.2 and you think it will be more than 2.2?
 - Wastewater Utility Director Tony Zell replied I have no idea to be perfectly honest with you. I'm not going to stand here and spout guesses and then be wrong, but that's what GBA told us.
 - Councilmember Pawlowski stated the challenges that you referred to a few minutes ago would add to that cost.
 - Wastewater Utility Director Tony Zell replied potentially, and again we worked with and met with KDOT today to try to figure out how to

minimize those conflicts, but we have a business that's right there at the south entrance to the subdivision, well Greg's place, and then we've got the entrance to Woodland, and then we've got La Mesa, and a very large storm water structure that crosses K-7 right there, and now we're trying to get from the north side of the homes on Woodland to basically the parking lot of La Mesa and KDOT is even willing to let us do a not perpendicular crossing, which is very unheard of because they understand the challenge, there's really not another way to do it.

- Councilmember Pawlowski asked does your sewer utility have 2.2 million dollars to spare.
 - Wastewater Utility Director Tony Zell replied it might.
 - City Administrator Tim Vandall stated I thought I talked to you guys a little bit about this, that if the project is 2.8 million dollars we could probably pay seven or eight hundred thousand dollars of it up front. We have a nine-hundred thousand dollar payment dropping off in five or six years, so we can wrap our debt around our wastewater treatment plant dropping off. That's why I told you guys at a previous meeting that I think we can do something like this without raising our wastewater rates.
- Councilmember McNeill stated what I heard you say though is that we have no capacity right now.
 - Wastewater Utility Director Tony Zell replied according to the engineering study it does not. But I will tell you that that's theoretical and based on a model that is widely accepted. I've looked at the video of the twelve-inch pipe through there, we just had it cleaned and videotaped and there is less than an inch of water flowing through it, and the choke point that we always talk about over there between there and K-7 Highway, is there is forty feet of fall. There is a lot of velocity that gets picked up there and the flow meter that is at the end of it is registering about an inch of flow right now and it's not even up to two inches, so we've had three and a half inches of rain. Again, we're trying to come up with ways to solve this very unique situation and also accommodate growth and trying to do so as responsible as possible.
 - Councilmember McNeill stated we've been bitten so many times trying to accommodate growth.
 - Wastewater Utility Director Tony Zell state this is a policy decision.
 - Councilmember McNeill stated it is and the reason behind doing stuff that doesn't make sense as a reason to get more growth, I'm not going to accept that normally, but that's what I want to know, right now we're saying there is no capacity access, but in our thing we're going to let eight homes go in there.
 - Wastewater Utility Director Tony Zell stated there is a potential to.
 - Councilmember McNeill stated okay I got it, thank you Tony.
 - Mayor Smith asked when are those lines going to come on connection.
 - Wastewater Utility Director Tony Zell replied I hope to be done by this time next year.
 - Mayor Smith stated and we're looking at the housing thing to not be until next year also, is that correct.
 - Dan Carr Developer for Eisenhower Crossing Subdivision stated actually the timing is quite good on the sewer. If you think about our progress and what happens, we've got to get the approval, hopefully, from you guys, and then we've got to go build streets and sewers, and everything else that goes into this subdivision, then we've got to get a permit to build the house, and then we've got to get our final certificate of occupancy. We're past when that sewer will be done. These homes will take six or seven months to build and it will take at least three to four

months to get the subdivision going, so if you're saying it's a year out, we're further than that out from delivering homes. We can't get, to go back to the question about permits versus occupancy, the certificate of occupancy isn't until later. It's when the home is done, so we can't get our C.O. until after the sewers in place if you're timeline holds. So we're past that.

- Councilmember McNeill stated that's a good comment, however then why do we have eight in there?
 - City Administrator Tim Vandall replied that is just something we had discussed, but I mean going back to what Tony had said, that comes from his having a camera in that line and seeing sufficient capacity. But if it's a timing deal, I don't know if we can modify the number or change the date or something like that. That sounds like something we can talk about if you guys are further out than that anyways.
 - Dan Carr Developer for Eisenhower Crossing Subdivision stated if the sewer truly is, see the problem we've got is how do you start homes if you don't know when the sewer is going to be done and delivered. We can't get in there and start and stop, you've got to keep the momentum going, so we just have to have a good working relationship with the City.
 - Councilmember McNeill stated we're putting in the sewer to support the thing, so we're doing due diligence to actually improve that area and the sewer. I just don't like the fact that we might have occupancy before we actually get the sewer done, and that's what it says in the agreement, which I think is kind of not a smart way to go. Because if it does happen we get delayed, you could put houses in there and have occupants in there, and then we have a flow problem. Springtime when we have rain and extra flow in there and then we're going to have the folks that are down on the east side in the same trouble they are in right now, which is why we're trying to improve stuff going further east.
 - Dan Carr Developer for Eisenhower Crossing Subdivision stated if I can address a few other questions that came up, Tony you had a couple of these; one is the traffic study, where it dumped out, if you remember back when we were going through that, it was actually Kane was going to get developed so the traffic was dumping out onto DeSoto. So it's going to the same spot, it's just a difference between Progress and DeSoto, is where it's coming out at. The capacity, the density has actually gone down from when we had the assisted living, so what we had in there, the question came up really early it was duplexes and was actually had transitional houses someone brought up. We had the assisted living facility transitioned into villas and then into the neighborhood next door, and so our density actually dropped from what we were back in the year we were doing that, but the traffic goes out into DeSoto. Progress, we were talking about Progress versus Kane. We own the medical building, we own the retail that is there, the complaint that we get on the medical is when you try to exit Progress onto Eisenhower, it's dangerous, and so we think adding that exit out on DeSoto is going to help our occupants of the medical building as they are important to us, and to address your question about traffic in the morning on DeSoto, we think the completion of Progress people will be able to cut through if they were going to take a right turn coming off Progress, they won't have to go to the light, they can actually come down through Progress and take a right out towards K-7.
 - Councilmember McNeill stated a little further east you can't even see the cars coming off the rise, off of Pebble Beach there, so that's a much better thing. You still have a better shot coming out of Ichiban then you do further down.
 - Dan Carr Developer for Eisenhower Crossing Subdivision stated right now, coming out of Progress is dangerous and we think that the improvement of Progress and the reason we're really looking at this because the money you guys are spending on DeSoto, that's really what's driving us to move forward on this project. You talk about economic development, we're here to do economic development, we've been sitting on that ground a long time, we're trying to think of good solid uses and we think that the residential is going to help drive our use for retail and hopefully drive another office building going in there and help fill up our existing office building and drive more retail. Rooftops bring that kind of stuff and so when we started thinking about what we do with that back parcel, it just was screaming to us, it was on the pond, that's a great amenity, it's on the trails, it's got that amenity, the residential is going to drive other uses in there, and so it was really an economic development decision for us to move forward with this project. The project itself, it was professionally engineered, it's not something I put together, so they worked hand in hand with the engineers to make sure that

what will happen is when these two arrows are platted, this road will show up on those plats. Unfortunately it will have the meets and bounds description probably in there, but it will be shown on those plats, so that will take care of that problem.

- Mayor Smith asked anything else. We have a motion and a second.
- Councilmember McNeill stated I'd like to have the eight occupancy stricken from the thing as a change, then I'd probably be okay with it.
 - City Administrator Tim Vandall asked are you okay with that Dan.
 - Councilmember Kirby asked what did you say Tony.
 - Councilmember McNeill replied take the eight out for the sewer, the occupancy.
 - City Attorney Gregory Robinson stated just for clarification Mr. McNeill, you're talking about the occupancy, do your comments have any direction to the issuing of a building permit to start the project.
 - Councilmember McNeill stated no occupancy permits until the sewer is completed.
 - City Administrator Tim Vandall replied I got that.

Councilmember Garvey withdrew his second.
 Councilmember Kirby withdrew his motion.
 The motion was withdrawn.

Councilmember McNeill moved to approve the Eisenhower Crossing Phase 2 Facilities Use Agreement containing the modified verbiage removing the allowance of 8 homes being occupied on the current sewer system and including verbiage that no occupancy permits will be issued until the sewer expansion is completed. Councilmember Studnicka seconded the motion.

- Councilmember Buehler stated what is this committing us to.
 - Councilmember Garvey stated to not letting them build until the sewer is done.
 - Councilmember Pawlowski stated it's the facilities use agreement.
 - City Attorney Gregory Robinson stated it's basically saying they cannot occupy these eight structures, well they cannot get an occupancy permit to occupy the structures for the use as the structure until such time the sewer is complete and reaches them.
 - Councilmember Buehler asked after they build all the streets and do all that stuff.
 - City Attorney Gregory Robinson replied yeah that's coming first. They can build the structure, but by this meeting the developer knows that by the facilities use agreement that they can build the structure and pull the permit, but they cannot get an occupancy permit for a resident or tenant to occupy for use until that sewer is connected.
 - Councilmember Garvey stated so they won't be living it, flushing toilets, taking showers, stuff like that.
 - Councilmember Buehler stated I get all that, so we are committing to fifty-two thousand dollars, forty and twelve, plus fixing the sewer so that; expanding the sewer so that it can handle the flow, that's what this document is committing us too.
 - Councilmember Brungardt replied yes.
 - City Attorney Gregory Robinson stated to this development so that...the only difference in this is you've got simultaneous things happening. If the sewer was already in and all that, that would not be a consideration, but obviously you're working hand in hand with this developer to try to somewhat come together and seamlessly, we get there first and he's ready.
 - Mayor Smith stated you're absolutely correct Greg.
 - Councilmember Kirby asked so this leaves the swales, that's the only thing we're changing. The swales in the backyards stay.
 - Councilmember Brungardt stated yes.

- Councilmember Kirby stated it's a simple yes or no question, the swales stay as currently designed, under this motion.
 - Public Works Director Jeff Rupp stated yes.

The motion was approved, with Councilmembers Brungardt, Kirby, and Pawlowski voting against the motion.

Eisenhower Crossings Subdivision Final Plat Approval: Councilmember Studnicka moved to approve the Eisenhower Crossing Phase 2 Plat, as presented. Councilmember Trinkle seconded the motion. The motion was approved, with Councilmembers Kirby and Pawlowski voting against the motion.

Eisenhower Crossings Subdivision Acceptance of Engineering Documents: Councilmember Garvey moved to approve the Eisenhower Crossing Phase 2 Engineering Documents, as presented. Councilmember Studnicka seconded the motion.

- Councilmember Pawlowski asked so these engineering documents do not meet our technical specifications right Matt.
 - City Engineer Matt Harding replied that is correct.
- Councilmember Studnicka asked are we going to make them put it all on one document like Matt was talking about.
 - City Engineer Matt Harding replied are you talking about the engineering documents, the engineering documents are street storm plans, that's the plat.
 - Councilmember Studnicka stated okay you were talking about the plat, gotcha I'm good.

The motion was approved, with Councilmembers Brungardt, Kirby, and Pawlowski voting against the motion.

Executive Session – Consultation with Attorney: Councilmember Kirby moved to recess into executive session for the consultation with an attorney for the City which would be deemed privileged in an attorney-client relationship, K.S.A. 75-4319(b)(2) for 45 minutes, beginning at 8:13 p.m. and returning to the Council Chambers at 8:58 p.m. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Councilmember Kirby moved to return to open session at 8:58 p.m. Councilmember Buehler seconded the motion. The motion was unanimously approved.

REPORTS:

Department Heads: Department Heads had nothing to report.

City Attorney: City Attorney had nothing to report.

City Engineer: City Engineer had nothing to report

City Administrator: City Administrator Tim Vandall mentioned that due to the recent rain, parking will be different for Lansing DAZE. Folks will need to park at the high school and take the shuttle to the park on Friday. Based on a request to have a meeting with the school district, Dr. Stufflebeam has confirmed that June 21st at 6pm will work for them. So the City will have a special meeting on June 21, 2018 at 6pm to have a joint meeting with USD 469. Tim stated that based on staff feedback and department head discussion regarding health insurance, there was general consensus to switch health care carriers to Aetna.

Governing Body: Mayor Smith reminded folks to attend Lansing DAZE and the fishing derby the following weekend.

Councilmember Brungardt hoped people could come out for the Lansing Education Foundation breakfast. The group provides many great things for the school district.

Councilmember Buehler provided a fun fact, on this day in 1937, *Gone with the Wind* won the Pulitzer Prize for fiction.



ADJOURNMENT: Councilmember McNeill moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was unanimously approved. The meeting was adjourned at 9:00 p.m.

ATTEST:

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Matthew R. Schmitz, Community and Economic Development Director 
DATE: May 14, 2018
SUBJECT: 201 W. Kay St. (Tiny Home)

At the Council Meeting on April 5th, 2018, Misti Beer discussed with the Council her Tiny Home located at 201 W. Kay St. During that discussion, the Council passed a motion to allow Ms. Beer until May 17th, 2018 to meet with the Planning Commission and/or relocate the home. Ms. Beer will be meeting with the Planning Commission on the evening of May 16th, 2018, and Staff will update the Council on the results from that meeting during discussion of this item.

Policy Consideration: The City Code states that nuisances such as this must be removed within a ten (10) day period. This mobile home is considered a nuisance under Sec. 9-118 – Definitions of the Lansing City Code. That definition, under item K, states, “Any structure, roof or associated construction for which a building permit is required and is not obtained prior to commencement of construction.” This Tiny Home was brought into Lansing without a building permit, which is required for any building over 120 sq. ft.



Financial Consideration: N/A

Action: Staff has no recommendation for action at this time but wishes to remind the Council that this Tiny Home is considered a nuisance under existing Lansing City Code Sec. 9-118, and as such should be removed within a ten (10) day period.

AGENDA ITEM

2

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Matthew R. Schmitz, Community & Economic Development Director 
DATE: May 14, 2018
SUBJECT: Urban Growth Management Area

Policy Consideration: Leavenworth County has reached out to Lansing regarding an Urban Growth Management Area (UGMA), and what that could look like for the City of Lansing. An Urban Growth Management Area is a regional boundary which serves to attempt to control urban sprawl. This UGMA boundary for the City of Lansing would be similar in scope to that already outlined in the Comprehensive Plan, although Staff is still working to come up with a finalized map of the UGMA. Staff at this point is intending to modify the boundary outlined in the Comprehensive Plan by reducing to no more than three miles (to comply with the State Statute), and to straighten the boundaries as much as possible to follow street and section lines.

Within the UGMA, the city's existing building codes and future zoning could be recognized and enforced, although Staff is unsure what that will look like at this time, or who will enforce those regulations.

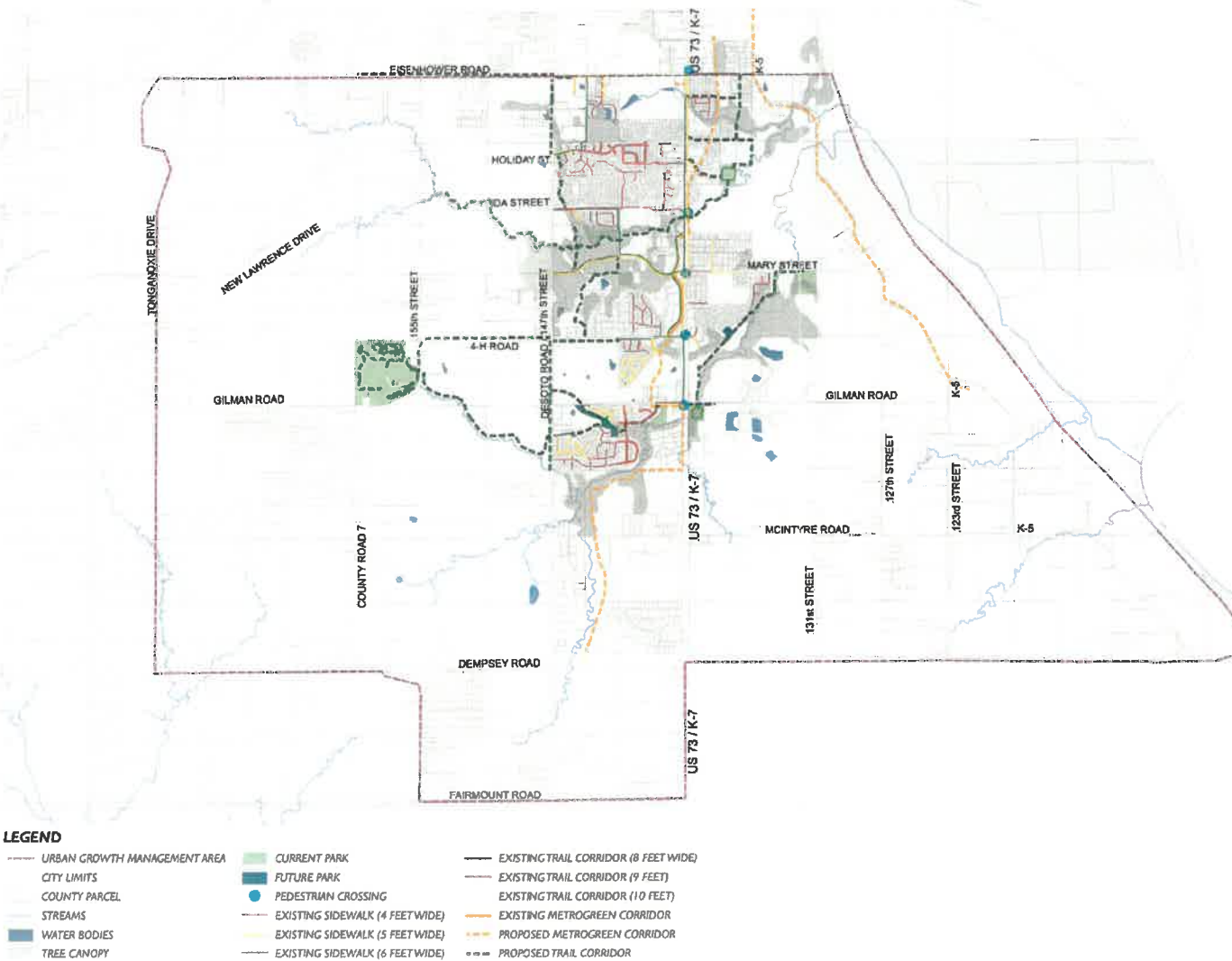
The Director of Planning and Zoning for Leavenworth County, Jeff Joseph, will be in attendance at the meeting to participate in the discussion.

A map of the UGMA as outlined in the Comprehensive Plan is attached.

Financial Consideration: N/A



Action: This item is presented for discussion only. No action is recommended at this time.

MAP 9 | TRAILS SYSTEM MASTER PLAN



NOTE: PROPOSED TRAIL ROUTE LOCATIONS ARE NOT FINAL AND ARE CONCEPTUALLY SHOWN TO CONVEY THE NEED FOR TRAIL CONNECTIVITY AT ULTIMATE BUILD OUT

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Matthew R. Schmitz, Community and Economic Development Director 
DATE: May 10, 2018
SUBJECT: Ordinance No. 997 amending the Lansing Zoning Ordinance, Appendices A and B

The proposed amendments to the Lansing Zoning Ordinance Appendix A (table of uses) and Appendix B (list of uses by zone) would allow apiaries (hobby) as a conditional use in the R-1 Suburban Residential and R-2 Single-Family Residential zoning districts.

It has come to staff's attention that, under a special use permit, an apiary is currently in operation in an R-1 zoning district. This amendment would allow the owner to continue to operate the apiary under a conditional use permit.

The Planning Commission will hold a public hearing on May 16, 2018, to give consideration to an amendment to Lansing Zoning Ordinance, Appendices A and B. The public hearing notice was published in the *Leavenworth Times* on April 24, 2018. Community and Economic Development Director Matt Schmitz will provide an update with the outcome of that meeting in regard to the Planning Commission's recommendation.

Action: Motion to adopt Ordinance Number 997 amending the Lansing Zoning Ordinance, Appendices A and B, contingent upon the Planning Commission's approval of the amendments.

AGENDA ITEM #

4

ORDINANCE NO. 997

AN ORDINANCE OF THE CITY OF LANSING, KANSAS, AMENDING THE ZONING ORDINANCE, AS ADOPTED BY REFERENCE IN LANSING CITY CODE, SECTION 17-101; FURTHER AMENDING APPENDICES A AND B.

WHEREAS, the Planning Commission of the city of Lansing has recommended to amend the adopted zoning ordinance Appendices A and B "Permitted and Conditionally Permitted Uses." The official zoning 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 May 16, 2018, 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. Lansing Zoning Ordinance, Appendices A and B "Permitted and Conditionally Permitted Uses" are hereby amended to allow apiaries (hobby) as a conditional use in the R-1 Suburban Residential and R-2 Single-Family Residential zoning districts.

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 17th day of May, 2018.

Michael W. Smith, Mayor

{SEAL}

ATTEST

Sarah Bodensteiner, City Clerk



APPROVED AS TO FORM:

Gregory C. Robinson, City Attorney

Published: *The Leavenworth Times*

Date Published : _____

AGENDA ITEM

TO: Mayor; Lansing City Council 
FROM: Tim Vandall, City Administrator, Matthew R. Schmitz, Community & Economic
Development Director 
DATE: May 14, 2018
SUBJECT: Infill Development Incentive Policy

Explanation: As discussed at the March work session, and the May 3rd council meeting, the infill policy is again included on the agenda with revisions from the council meeting. We extended the boundaries to include all geographic portions of the City, but the area must be in a developed area and must meet the criteria outlined in the policy. That criteria are that the property must have had a home on it that was removed due to dilapidation or being deemed uninhabitable, or the property must have been vacant for a period of time. The waiver is 100% for the removed home option but is a sliding scale for the empty lot option. If the property has been empty, then the waiver is 25% for a lot that has been vacant for 5-10 years, 50% for a lot vacant for 10-15 years, 75% for a lot vacant for 15-20 years, and 100% for a lot that has been vacant for more than 20 years. This policy does not apply to new subdivisions. The policy as presented does not modify the NR plan and only incentivizes new construction in developed areas that have been vacant or have had a home removed as outlined in the policy.

Financial Considerations: This would reduce a builder's startup costs approximately \$4,000-\$4,500 for a new home. Since the margin is typically less on less expensive homes, this should help incentivize new home construction on vacant land in older, developed areas in Lansing.

Policy Considerations: This only impacts certain portions of Lansing that are developed but have had a home removed or have had vacant land for a period of time as outlined in the policy. Additionally, staff has included a sunset of December 31, 2020 to encourage people to make improvements to blighted properties soon.

Action: Approve the Infill Development Incentive Policy, as presented.

AGENDA ITEM

5



Lansing KANSAS

Infill Development Incentive Policy

Purpose: Infill Development Incentives

In an ongoing effort to incentivize new infill construction in neighborhoods, and maintain vitality and beautify areas in Lansing, the City of Lansing will waive building permit fees and sewer tap fees for new home construction valued at \$250,000 or less as outlined below.

For property owners to qualify for the waiver, the following conditions must be met:

1. **All building codes and rules still apply.** All new single-family permit applications and required supporting documents must be submitted per City regulations. All structures must meet City zoning, and current adopted building codes. Building permits are good for a six-month period.
2. **Eligibility.** This incentive is only eligible for new single-family homes. This incentive does not apply to areas zoned R5 or R6 (manufactured homes or mobile homes). Projected new home construction costs must be \$250,000 or less valuation as calculated by the current City formula. **Only lots within existing developed areas as outlined below are eligible for the fee waiver.**
 - a. A property that has had a structure removed due to dilapidation or being deemed uninhabitable shall be immediately eligible for the waiver as outlined in this policy.
 - b. A property that has been vacant for a period of years shall be eligible for the waiver as outlined in this policy according to the following schedule:
 - i. Property vacant for five (5) to ten (10) years shall be eligible for a fee waiver of 25% of the costs as outlined in this policy.
 - ii. Property vacant for ten (10) to fifteen (15) years shall be eligible for a fee waiver of 50% of the costs as outlined in this policy.
 - iii. Property vacant for fifteen (15) to twenty (20) years shall be eligible for a fee waiver of 75% of the costs as outlined in this policy.
 - iv. Property vacant for twenty (20) or more years shall be eligible for a fee waiver of 100% of the costs as outlined in this policy.
3. **Home Design.** Homes should strive to be of a consistent design to the surrounding neighborhoods. Example: Comparable building footprint, design of home and amenities, etc.
4. **Fee Waiver.** Once the review process is complete and everything has been verified, City shall waive all fees normally charged on a building permit and sewer tap fees related to new home construction. Contractor licensing fees (occupational, plumbing, electrical, and mechanical/HVAC) shall still apply.
5. **Timelines.** This program shall cease on December 31, 2020, unless extended by the City Council.



Lansing KANSAS

Infill Development Incentive Policy

Adopted by the City Council this 17th day of May, 2018.

Michael W. Smith, Mayor

ATTEST:

Sarah Bodensteiner, City Clerk

END OF POLICY STATEMENT



National Kids to Parks Day 2018 Proclamation

WHEREAS, May 19th, 2018 is the eighth Kids to Parks Day organized and launched by the National Park Trust, held annually on the third Saturday of May; and

WHEREAS, Kids to Parks Day empowers kids and encourages families to get outdoors and visit America's parks; and

WHEREAS, it is important to introduce a new generation to our nation's parks; and

WHEREAS, we should encourage children to lead a more active lifestyle to combat the issues of childhood obesity, diabetes mellitus, hypertension and hypercholesterolemia; and

WHEREAS, Kids to Parks Day is open to all children and adults across the country to encourage a large and diverse group of participants; and

WHEREAS, Kids to Parks Day will broaden children's appreciation for nature and outdoors; and

NOW THEREFORE, Michael W. Smith, Mayor of the City of Lansing, Kansas do hereby proclaim to participate in Kids to Parks Day. And I urge residents of Lansing to make time May 19th, 2018 to take the children in their lives to a neighborhood, state or national park.

City of Lansing

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk

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National Public Works Week 2018 Proclamation

WHEREAS, public works infrastructure, facilities, and services are of vital importance to sustainable communities and to the health, safety, and well-being of the people of Kansas; and

WHEREAS, such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, managers, and employees from state and local units of government and the private sector, who are responsible for and must plan, design, build, operate, and maintain the transportation, water supply, sewage and refuse disposal systems, public buildings, and other structures and facilities essential to serve our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders and children in the United States of America to gain knowledge of and to maintain a progressive interest and understand the importance of public works and public works programs in their respective communities; and

WHEREAS, the American Public Works Association has celebrated the annual National Public Works Week since 1960:

NOW, THEREFORE, I, Michael W. Smith, Mayor of the city of Lansing, Kansas, do hereby proclaim May 20-26, 2018, as

National Public Works Week

in Lansing, Kansas, and I urge all our citizens to join with representatives of the American Public Works Association and government agencies in activities and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees, and to recognize the substantial contributions they have made to our national and local health, safety, welfare, and economy.

In Witness Whereof, I have hereunto set my hand this 17th day of May, in the year Two Thousand Eighteen.

City of Lansing

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk

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Other Items of Interest: Department Vehicle and Equipment Mileage Reports

City Clerk's Office/Building Maintenance Vehicle and Equipment Report

Vehicles

Year	Make	Model	Description	Mileage Start	Mileage Ending	Miles Driven	Comments
2007	Ford	Econoline	15 Passenger Wagon	18038	18,230	192	Inherited from PD in Jan. 2016
						0	
						0	
						0	
						0	
Total						192	

Equipment

Year	Make	Model	Description	Hours Start	Hours End	Hours Used	Comments
2018	Advance	SC1500	AutoScrubber Floor Machine	2.35	4.04	1.69	Community Center Cleaning
2018	Kubota	ZG227-A	Mower	0.8	10.07	9.27	
						0	
						0	
						0	
						0	
Total						10.96	

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Parks and Recreation Fleet Report April 2018

Vehicles

Year	Make	Model	Description	Mileage Start	Mileage Ending	Miles Driven	Current Use	Comments
2002	Ford	Explorer	SUV	126,781	126,829	48	Parks Maintenance	
2003	Ford	F-350	truck-crew cab	124,628	125,275	647	Parks Maintenance	
2011	Dodge	Charger	passenger car		76,957	0	Activity Center use	Added to fleet April
2014	Ford	F-350	Dump truck	9272	9420	148	Parks Maintenance	
2017	Chevrolet	Silverado	truck	4692	4858	166	Parks Maintenance	
Total						1,009		

Equipment

Year	Make	Model	Description	Hours Start	Hours End	Hours Used	Current Use	Comments
1992	Massey Ferguson	1020	Tractor	1977	1977	0	Parks Maintenance	
1996	Hustler	Range Wing	mower	1904	1904.4	0	Parks Maintenance	
2005	Kubota	F3060	mower	230.4	246.5	16.1	Parks Maintenance	
2007	Turbo Tool Cat	5600	utility vehicle	941.8	952.7	10.9	Parks Maintenance	
2012	Wright	ZK	stand mower	908.9	916.2	7.3	Parks Maintenance	
2014	Kubota	ZD331LP-72	mower	1074	1101.2	27.2	Parks Maintenance	
2016	ABI	Force	infield groomer	92.1	94.3	2.2	Parks Maintenance	
2017	Kubota	ZD1211	mower	203	221.4	18.4	Parks Maintenance	
2018	Polaris	Ranger	utility vehicle	0	0	0	Parks Maintenance	Added to fleet April
Total						82.1		

Lansing Police Department
Vehicle Fleet End of Month Report

Apr-2018

Unit	Year	Make/Model	Mileage as of 04/01	Mileage as of 05/02	Miles Driven	Current Use	Future Use	Comments
1	2013	Ford Explorer	72302	72553	251	Captain	Captain	Limited Use - Captain
2	2012	Dodge Charger	44082	44325	243	Lieutenant	Lieutenant	Limited Use - Lieutenant
3	2015	Ford Explorer	36101	37141	1040	Patrol	Patrol	Fit for patrol duty
4	2015	Ford Explorer	22558	23867	1309	Patrol	Patrol	Fit for patrol duty
5	2012	Dodge Charger	28857	30657	1800	Patrol	Patrol	Fit for patrol duty
6	2013	Ford Explorer	51815	53406	1591	Patrol	Patrol	Fit for patrol duty
7								
8a	2017	Dodge Charger	8205	10869	2664	Patrol	Patrol	Fit for patrol duty
9								
10	2011	Dodge Charger	42299	43052	753	Chief	Chief	Limited Use - Chief
11	2003	Ford F150	78606	78827	221	Animal Control	Animal Control	Fit for Animal Control duties
13a	2017	Dodge Charger	11345	13871	2526	Patrol	Patrol	Fit for patrol duty
14								
15								
17	2016	Dodge Charger	18777	19581	804	Patrol	Patrol	Fit for patrol duty
				Mileage Total:	13202			

Lansing Public Works Department**Monthly Fleet Report****Month** April **Year** 2018**Vehicles**

Year	Make	Model	Description	Mileage Starting	Mileage Ending	Miles Driven	Comments
2008	Ford	Ranger XLT	LT. Pick-up Ext	54,437	54,467	30	
2007	Ford	Ranger XLT	LT. Pick-up Ext	39,882	40,186	304	
1998	Ford	1/2 ton	Pick-up	62,272	62,591	319	
2001	Ford	Ranger	LT. Pick-up Ext	116,421	116,601	180	
2005	Ford	Ranger	LT. Pick-up Ext	40,624	40,718	94	
2000	Ford	Explorer	SUV	186,569	186,828	259	
2005	Sterling	LT 8500	Dump Truck	49,002	49,095	93	
2007	Elgin	Crosswind J+	Street Sweeper	5,606	5,679	73	
1992	Ford	700	Dump Truck	63,453	63,457	4	
2017	Chevrolet	3500	Pick-up Truck	4,769	5,193	424	
2002	Ford	F350 4x4	Dump Truck	72,978	73,079	101	
2011	International	7400	Dump Truck	13,506	13,573	67	
2016	Ford	F350 4x4	One-ton Dump Truck	4,866	4,911	45	
2006	Dodge	Charger	Sedan	123,018	123,045	27	

Equipment

Year	Make	Model	Description	Hours Starting	Hours Ending	Hours Used	Comments
1997	JD	770BH	Grader	5,031	5,033	2	
2004	IR	DD-24	Asphalt Roller	257	257	0	
2006	IR	185	Air Compressor	190	191	1	
1993	Ford	5030	Tractor	476	479	3	
1997	Bobcat	763	Skid Steer	2,053	2,054	1	
2014	Case	580 SNWT	Backhoe	834	864	30	
2002	Crafco	110	Crack Sealer	808	808	0	
2003	Kubota	L3710	Tractor	1,528	1,531	3	
2009	Case	465	Skid Steer	570	570	0	
2004	Case	621D	Front Loader	2,186	2,186	0	at treatment plant

Apr-18

City Influent	25.19 MG	City Avg Daily	.840 MG
LCF Influent	12.93 MG	LCF Daily Avg	.431 MG
Total Biosolids	1.06 MG	Precip	1.07

Vehicles

Year	Make	Model	Description	Mileage Start	Mileage Ending	Miles Driven	Current Use	Comments
1995	Dodge	3500	Flatbed Truck	8141	8143	2	Collection System	
2002	Ford	350	Pick Up Truck	93604	93617	13	Ops/Maint.	
2012	Chevrolet	Tahoe	SUV	92441	93155	714	Ops/Maint.	
2005	Ford	550	Flatbed Truck	42476	42479	3	Ops/Maint.	
2005	Freightliner	M2106	Dump Truck	19510	19604	94	Biosolids Disposal	
Total						826		

Year	Make	Model	Description			Hours Used	Current Use	Comments
1991	Case	1825	Uni-Loader	940	941	1	Plant Activities	
1999	Sterling	Vactor	Jet Truck	2231	2233	2	Collection System	
1999	Aries	Saturn III	Camera Trailer	344	344	0	Collection System	
2004	John Deere	7920	Tractor	1173	1193	20	Biosolids Disposal	
2005	Polaris	Ranger #1	Utility Vehicle	1197	1204	7	Operations	
2004	Case	621D	Loader	2251	2266	15	Operations	
2005	Polaris	Ranger #2	Utility Vehicle	1169	1173	4	Maintenance	
2006	JCB	531-70	Telehandler	539	542	3	Plant Activities	