

Call To Order:

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

Roll Call:

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

Councilmembers Present:

Ward 1: Kevin Gardner and Dave Trinkle

Ward 2: Andi Pawlowski and Don Studnicka

Ward 3: Jesse Garvey

Ward 4: Tony McNeill and Gregg Buehler

Councilmembers Absent: Kerry Brungardt

OLD BUSINESS:

Approval of Minutes: Councilmember Trinkle moved to approve the regular meeting minutes of June 2, 2016, as presented. Councilmember Pawlowski seconded the motion. The motion was approved, with Councilmembers Garvey and Buehler abstaining from the vote.

NEW BUSINESS:

Audience Participation: Mayor Kirby called for audience participation and one resident came forward.

- Brian Schwanz from 607 Brookwood Street stated good evening Mayor and City Councilmembers, I come before you tonight as the Chair of the Lansing Planning Commission. The reason for my comments this evening is because I want to speak briefly about the training the Planning Commission and the Board of Zoning Appeals had last week. The training was facilitated by Jim Kaup who is an attorney with the Kaup Law Firm who focuses on land use, similar to a training that you will be attending on June 30th. I wish I'd be in town that night as it's a phenomenal training and I know several of our Commission members may attend or try to attend to get additional information. Last night, the Planning Commission had a meeting and one of the items we discussed was the training, it was a consensus among the Planning Commission that we wanted to thank you for providing that training and the funding for the training. The training was truly amazing, in my 8 years on the Planning Commission and the 2 years on the Board of Zoning Appeals we never had a training, in 10 years we never had the opportunity for a training, so I want to thank you for that opportunity and I know the Planning Commission also feels the same way, it was truly a consensus; We'd like to have more. Unfortunately we were only able to get through half of the materials because we had so many questions for the facilitator. Once we got finished after 3 hours, we were all looking at each other like can we have more, can we do this again, because there is so much more information out there. I need to thank Stefanie for bringing this training forward and the facilitator forward, it was truly an amazing person that she brought forward to us. Also I would like to request the Council continue to fund training opportunities for the Commission and the Board of Zoning Appeals, I think it's truly a great opportunity and with this training it can only make Lansing a better place. With that being said in the coming months you will see some text amendments coming forward to the City Council from the Lansing Planning Commission on a few ordinances. During our training, we realized that we may have some ordinances that are in conflict with some things, we may even have an ordinance that is in conflict with Kansas case law, but we're not sure, we're reviewing it. Also there are some suggestions for the planning process, so next month we plan to have a work session to review 3 areas that we may potentially bring forward to you, so please feel free to attend our work session, but again, thank you again for providing the funds for the training, the training was truly amazing, and thank you for the opportunity to speak this evening, thank you.

Presentation

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Request for Special Use Permit – 110 N. Ethel Lane: Councilmember Gardner moved to approve the Special Use Permit for 110 N. Ethel Lane. Councilmember Buehler seconded the motion.

- Councilmember Gardner asked did you go over there.
 - Police Chief Steve Wayman replied Officer Asmus did and he is here and I don't believe Mr. Thompson is here, the husband of the lady who made the request for the special use permit, but I do know that a neighbor is here and I believe would like to speak to the Council and his comments that he made, Officer Asmus included in the report, so it's up to you guys if you want to hear him out.
- Councilmember Buehler stated she currently has 4 dogs and 5 chickens?
 - Police Chief Steve Wayman replied 4 chickens, well it says 5 chickens but that and 4 dogs on this, on the initial application for permit.
 - Councilmember Buehler stated she did this because she got a ticket or a complaint.
 - Police Chief Steve Wayman replied we got this because we received the information from the neighbor about that and we went out and checked.
- Councilmember McNeill stated but she never had a permit previously did she?
 - Police Chief Steve Wayman replied correct, this is not a renewal.

- Councilmember Buehler stated and it came about and she's filing because of a complaint.
 - Police Chief Steve Wayman responded yes.
- Councilmember Pawlowski asked is there a neighbor here that wants to talk.
 - Police Chief Steve Wayman replied there is a neighbor here I don't know if he wants to talk.
 - Lonnie Nelson from 108 Ethel Lane stated I was the one that made the initial complaint, and the reason for the complaint is they can't control the dogs that's the bottom line. They are destructive, they dig under the fence they dig up my flowers, and at one point they had the 4 chickens and 6 dogs and it just keeps growing and growing and growing.
- Councilmember Studnicka asked what about the waste from the dogs, is there a problem with that, is there a smell, do they keep it clean. I read the report that we got in our packet and it seems like we've got a yeah it's ok and we've got a well wait a minute it isn't ok, so.
 - Lonnie Nelson replied to me sir, it's not ok. They allow their dogs to be off leash, they run around the neighborhood. There's also cases where their dogs have relieved themselves into my flower bed, it wouldn't be an issue if they could control the animals and they just can't.
- Councilmember Buehler stated so there is a part in here that mentions something about animal cruelty.
 - Lonnie Nelson replied yes sir, outside when the dogs bark she strikes them with a rake and also in the front yard, one of their girls walks the dog around the neighborhood, never has a bag with her, the dogs do their business wherever they want throughout the neighborhood and if they don't when the child comes back, she whips the dog and tells them to go potty until it does.
- Councilmember Trinkle asked are the dogs vaccinated, Steve do you know that.
 - Police Chief Steve Wayman replied the dogs are tagged and vaccinated yes.
- Councilmember Trinkle asked do we have to have tags on the chickens too.
 - Councilmember Pawlowski stated no, they have to be, are they caged, don't they have to be in an enclosed pen.
 - Police Chief Steve Wayman replied they have an enclosed structure.
 - Councilmember Buehler stated they have an enclosed pen, but it says they have free roam of the back yard.
 - Police Chief Steve Wayman replied they have a privacy fence in the back yard so they have free roam of the back yard but they also chicken coup them.
- Councilmember Gardner asked is that where the dogs are digging underneath the fence, in the back yard?
 - Lonnie Nelson replied yes sir.
- Councilmember Gardner stated she has the chickens because of her allergies or something like that.
 - Councilmember Pawlowski stated I don't know.
 - Councilmember Buehler stated that's what it says.
 - Mayor Kirby stated that's what is says but they are not here to question, so if you're asking for special permission you outta be here.
- Councilmember Pawlowski stated I think we have 2 issues here right. We have 1 person who's not controlling their dogs and we also have the same person who has more animals than required.
- Councilmember Buehler stated and it was brought forward because of a complaint, not because they were trying to do the right thing before the ordinance.

The motion was unanimously denied.

- Police Chief Steve Wayman stated what we'll do now is get the letter sent to them, we do give 10-15 days to get things moved out and the process started to have the animals down to a manageable number by City Code. So we'll get that started and try to get it out tomorrow or Monday morning and get them started on it.

Lansing Planning Commission Appointment: Councilmember Trinkle moved to appoint Frank Reyes to the Lansing Planning Commission for a three year term expiring on April 30, 2019. Councilmember McNeill seconded the motion. The motion was unanimously approved.

- Frank Reyes stated thank you for the opportunity and I'm looking forward to serve.

Award of Bid – Construction of 9 Mile Creek Sanitary Sewer Action Plan: Councilmember Trinkle moved to approve the bid from Linaweaver Construction for the construction of the 9 Mile Creek Sanitary Sewer Action Plan (City Project 15-01), in the amount of two million, one hundred thirty-five thousand, four hundred eighty-five dollars and zero cents. Councilmember Buehler seconded the motion.

- Councilmember McNeill asked who is doing the engineering stuff before they start digging.

- Wastewater Utility Director Tony Zell replied that's already been completed by Alpha Omega and they did do rock cores on locations where we knew there was previously rock. We're replacing some line that runs up through the neighborhood and we knew from the 1981 plans that there was rock at that location, so they actually did rock cores there so we've got a pretty good handle on it.
 - Councilmember Trinkle asked that's not the same group that did it before.
 - Wastewater Utility Director Tony Zell replied no.
 - Councilmember Garvey stated never use them again.
- Councilmember Pawlowski asked so when this is done we'll have our 7 Mile and our 9 Mile Creek Action Plans completed.
 - Wastewater Utility Director Tony Zell replied correct.
 - Councilmember Pawlowski stated and then we'll be good with KDHE.
 - Wastewater Utility Director Tony Zell replied for the most part yes, and we move on to the next. We'll do a flow study and we'll reassess and see where we're at.
 - Councilmember Pawlowski stated and that will be 2018.
 - Wastewater Utility Director Tony Zell replied given the construction timeline of this, this won't be wrapped up until next year, so we really want to hit it in the spring to do a meaningful flow study, I'd rather do that in the spring, so we would be looking at 2018.

The motion was unanimously approved.

Ordinance No. 962 – An Ordinance Amending Court Costs Under Chapter 10, Article 1, Section 108 of the Code of the City of Lansing, Kansas: Councilmember Buehler moved to adopt Ordinance No. 962, amending court costs under Chapter 10, Article 1, Section 108 of the Code of the City of Lansing, Kansas, 2015 Edition, amending Ordinance 958 and other amendments thereto. Councilmember Trinkle seconded the motion. The motion was unanimously approved.

Ordinance No. 963 – An Ordinance Concerning the Fine and Bond Schedule Established by the Municipal Court Judge: Councilmember Buehler moved to adopt Ordinance No. 963, amending the fine and bond schedule for Lansing Municipal Court, as presented. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Ordinance No. 964 – An Ordinance for Project Authorization for 9 Mile Creek: Councilmember McNeill moved to adopt Ordinance No. 964, an Ordinance of the City of Lansing, Kansas, authorizing and providing for the Alteration, Repair, or Reconstruction of Certain Existing Sanitary Sewers in the City; Authorizing and providing for the Construction of Interceptor Sewer Improvements in the City; and providing for the payment of the costs thereof. Councilmember Trinkle seconded the motion. The motion was unanimously approved.

Resolution No. B-2-16 – Authorizing the Offering for Sale of General Obligation Bonds, Series 2016-A of the City of Lansing, Kansas: Councilmember Trinkle moved to adopt Resolution No. B-2-16, authorizing the offering for sale of General Obligation Bonds, Series 2016-A, of the City of Lansing, Kansas. Councilmember Studnicka seconded the motion. The motion was unanimously approved.

Executive Session – Consultation with Attorney: Councilmember Studnicka moved to recess into executive session for consultation with an attorney on matters that would be privileged in Attorney-Client relationship for 10 minutes, beginning at 7:17 p.m. and returning at 7:27 p.m. Councilmember Buehler seconded the motion. The motion was unanimously approved.

Councilmember Garvey moved to return to open session at 7:27 p.m. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Executive Session – Economic Development: Councilmember Studnicka moved to recess into executive session for economic development purposes to discuss confidential data relating to the financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorship for 15 minutes, beginning at 7:28 p.m. and returning at 7:43 p.m. Councilmember Buehler seconded the motion. The motion was unanimously approved.

Councilmember Garvey moved to return to open session at 7:43 p.m. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Executive Session – Non-Elected Personnel: Councilmember Studnicka moved to recess into executive session to discuss personnel matters related to non-elected personnel for 30 minutes, beginning at 7:44 p.m. and returning at 8:14 p.m. Councilmember Pawlowski seconded the motion. The motion was approved, with Councilmember McNeill voting against the motion.

Councilmember Studnicka moved to return to open session at 8:14 p.m. Councilmember Trinkle seconded the motion. The motion was unanimously approved.

Councilmember Studnicka moved to authorize the Mayor to sign an amendment to the City Administrator’s contract based on the results of the performance evaluation. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

REPORTS:

City Attorney: City Attorney had nothing to report.

City Engineer: City Engineer has nothing to report.

City Administrator: City Administrator Tim Vandall reminded the Governing Body to turn in the Capital and Supplemental ranking sheets to the Mayor, Finance Director, or himself.

Governing Body: Mayor Kirby stated that on July 12th from 7-9 p.m. the Lansing Council Chambers has been reserved for an open house discussion about citizens forming a Lansing City Foundation. This would be separate from the City, but there has been talk in the public about it, and we want to see if there is truly interest. At the Independence Day celebration from 6-9 p.m., the Klemp family has graciously sponsored a dunk tank where residents can donate funds to dunk City officials, the Police Chief, and Fire Chief. The funds raised will be split between breast cancer research and the Mayor’s Christmas Tree Fund.

Councilmember Pawlowski confirmed with Community and Economic Development Director Stefanie Leif that funds are available for training for the Planning Commission and Board of Zoning Appeals, as she has heard nothing but great things about the Land Use Training and is excited to attend. She is hopeful that people will be interested in starting a Lansing City Foundation as she sees it as a good avenue for the community to donate something for the public good that is not directly tied to the City as a whole, by allowing the Foundation to sponsor items that have been traditionally sponsored by the City in hopes to further participation and community involvement.

Councilmember Buehler provided a fun fact, on this day in 1884, the very first roller coaster called the Switchback Railway opened on Coney Island in New York.

Councilmember McNeill thanked Frank Reyes for volunteering for the Planning Commission.

Councilmember Studnicka thanked Community and Economic Development Director Stefanie Leif for her assistance on the property on Hithergreen and getting it cleaned up, he had another property he needs Code Enforcement to look into. He also thanked Public Works Director Jeff Rupp for his action on getting a road patched on Hithergreen to make maintenance a non-issue for the Parks department in regards to mowing.

ADJOURNMENT: Councilmember Studnicka moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was approved, with Councilmember Trinkle voting against the motion. The meeting was adjourned at 8:21 p.m.

ATTEST:

Louis E. Kirby, Mayor

Sarah Bodensteiner, City Clerk