

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: Dave Trinkle

Ward 2: Andi Pawlowski and Don Studnicka

Ward 3: Jesse Garvey and Kerry Brungardt

Ward 4: Tony McNeill and Gregg Buehler

Councilmembers Absent: Ward 1 Vacancy

OLD BUSINESS:

Approval of Minutes: Councilmember Buehler moved to approve the regular meeting minutes of December 15, 2016. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

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

- Kevin Gardner of 1012 N. 4th Street stated before I get started, thanks Ken for getting me started and getting me hooked up and keeping me going. I think communication is vital and you do a good job of keeping everybody informed. Gene, when I first got the call, I knew Mike for 20 years, but I didn't know you hardly at all, but you treated me with a high level of respect from the get go and helped me through any process, any procedural issues you got me through, and anytime I had to make a decision on some of those sticky issues, you told me to go with my gut or what I knew for my own opinion and just let the process play out and take its own course and I appreciate that, thank you. I was thinking about my time on the Council and wondered what I'd learned from being a part of the Council or what I wouldn't have known if I hadn't been part of it. Back in 2010 I attended the Citizens' Academy and learned how the City worked and what each department was responsible for, but sitting on the Council I learned just how well they did their jobs and what kind of dedication it took to get their job done and well. Three areas that I would like to address, first one, safety, I may or may not have heard that Lansing was one of the safest cities in Kansas recently, but I would not have known that Steve and his staff did it short-handed, they were not fully staffed, that I would not have known. The sewer system, I would have seen the construction going on, but I would not have known all of the effort that Tony has to put into it and the Council and the Committee, and everybody that had to work together to get that whole process separated and functional, and the cost for the repair, the upgrade, and the design for the future growth area, I would not have seen all that. And the last, I definitely would not have known anything about, through the budget with the Council watching pennies and Beth doing the excellent job that she does, the financial stability that Lansing has, and it got to the point where they reaped the rewards of better loans and saving a lot of money on loans, and then they recently got upgraded by the government where it saves the tax payers some money, so that I would not have known anything about. When I first joined the Council I considered it an honor and a privilege to sit up there with you guys, but after going through work sessions, meetings, and executive sessions, I underestimated just how much of an honor and privilege it was. So for that, the initial phone call and all I got to experience, thank you.
 - Councilmember Pawlowski asked now that you're leaving the Council and you know all this stuff now, one of the things that we, and you know that we struggle with this, but how to get the information out there to people and maybe you can help us with trying to figure out some other way to do it so that people know what's going on.
 - Kevin Gardner replied yes, you've got my full support anytime.

Presentation

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Public Hearing on and Consideration for the Neighborhood Revitalization Plan: Councilmember Studnicka moved to open the public hearing on the Neighborhood Revitalization Plan. Councilmember Buehler seconded the motion. The motion was unanimously approved.

- There were no comments.

Councilmember Studnicka moved to close the public hearing on the Neighborhood Revitalization Plan. Councilmember Buehler seconded the motion. The motion was unanimously approved.

Councilmember Studnicka moved to allow the Mayor to execute the Interlocal Agreement. Councilmember Brungardt seconded the motion. The motion was unanimously approved.

Councilmember Studnicka moved to adopt Resolution No. B-1-17, a resolution adopting the Lansing Neighborhood Revitalization Plan. Councilmember Buehler seconded the motion. The motion was unanimously approved.

Request to Purchase Police Vehicles: Councilmember Buehler moved to approve the purchase of two police package patrol vehicles from Landmark Dodge for an amount not to exceed \$49,112.00. Councilmember Brungardt seconded the motion.

- Councilmember Pawlowski asked yesterday I was somewhere and I saw, and they were not behind me so it was not my fault, they were not following me, but I saw a couple of police vehicles that were Chevy's, and we haven't since I've been on the Council, we have not bought Chevy vehicles.
 - Police Chief Steve Wayman replied we purchased one Chevy Tahoe.
 - Councilmember Pawlowski replied these were smaller cars.
 - Police Chief Steve Wayman responded they were probably the Impalas. They are a rear-wheel drive kind of like the Dodge Chargers historically come in, I was really surprised that this year I did not get a good return on bids. The Dodge Chargers that we are bidding out are all-wheel drive, Dodge right now is pushing the all-wheel drive really really hard. The Tahoe, the Chevy's are a decent vehicle but the Tahoe kind of priced themselves out and I really have a hard time spending thirty-thousand plus per unit when I can get a Charger that will fill our needs or even the Explorers, they seem to be holding up pretty good too, but we just haven't historically went towards the Impalas.
 - Councilmember Pawlowski stated I just hadn't seen one, it surprised me when I saw it, I turned around and looked, but I was very safe.
 - Police Chief Steve Wayman stated the Impalas when they were first coming out, they were actually produced in Australia so there was some question about parts availability on those, but yeah historically we just haven't gone towards the Impalas very often.
 - Councilmember Pawlowski stated ok I was just curious.
 - Police Chief Steve Wayman stated or the Caprices. Impalas or Caprices.
- Councilmember Buehler asked Steve where do the funds for the lights and the bars and the other types of things come from.
 - Police Chief Steve Wayman replied a lot of that comes out of equipment replacement and also when we pull the two cars that are coming offline, we'll start looking at parts on those. The light bars I'll take a look at how old they are. I try to get two cycles, two cars out of them before I start getting rid of them because by that time technology has caught up with them. The video systems are replaced, I've found video systems only last about five years, they are done anyways. But as far as consoles and all that, everything that put it together, I strip what I can and what has to be replaced I replace.

The motion was unanimously approved.

Lansing Planning Commission Appointment: Councilmember Studnicka moved to appoint Jerry Gies to the Lansing Planning Commission for a term that will expire on April 30, 2018. Councilmember Brungardt seconded the motion. The motion was unanimously approved.

Main Street Overlay District Review of 599/601 South Main Street: Councilmember Trinkle moved to approve the automated ice vending machine at 599/601 South Main Street. Councilmember Garvey seconded the motion.

- Councilmember Pawlowski stated I thought there was more than one condition.
 - Community and Economic Development Director Stefanie Leif replied the development plan actually has four conditions, but the one condition was just saying that all elements of the development plan would be met, but because of the weather a couple of them could not really be done over the winter so the Planning Commission recommended May 31, 2017. So the conditions that are on there: one is to fix the roof, and actually that was just done yesterday, the roof was kind of askew, so they did fix it and the contractor was in and actually fixed that just yesterday. Another condition was that they would screen the rear mechanical or rear electrical box, and again that would be done in the spring. Another condition was to make sure there was a locking device on the exterior faucet and that has been done it's really just a matter of making sure that continues to stay in a locked position so nobody comes up to the exterior and makes the water run out of that faucet. And then the other one was to come up with a drainage plan which was originally the recommendation, and then the applicant at the Planning Commission meeting came forward and said he was willing to connect to City sewer to make sure everything was covered. But we will say that from staff perspective, connecting to the City sewer is not required by staff, really there is just a condensate line and really the only issue was if there was an event where there was a failure of the unit and there was a lot of water coming out of the unit that

would be, and that's a very rare event that would happen, but I've talked to the City Engineer, Public Works and Wastewater and really the feeling is that connecting to City sewer is probably overkill as long as there is drainage in the back that can handle that, we feel that it could on those rare events that could happen, so that's really up to the City Council if you want to require the sewer still.

- Councilmember Pawlowski stated prior to your tenure here, we've had other properties that weren't put in to follow the Main Street Overlay District and we made them at much pain and expense go back and do that, and so my question here is do you believe that this will follow the Main Street Overlay District.
 - Community and Economic Development Director Stefanie Leif replied from staffs perspective, I mean I had concerns about whether the design of the unit fit, I felt the use was fine in terms of meeting the B-1 because there is other vending that is allowed, but the design, particularly the exterior and the roof were my major concerns as staff that I didn't feel it met the Main Street Overlay District criteria, but the Planning Commission they felt otherwise and so the recommendation was unanimously that it did meet the criteria.
 - Councilmember Studnicka stated good enough for me.
- Councilmember McNeill asked this is the same this is the one that was in already, that we said yeah go ahead put it in, and then we later said oh hey wait a minute you really shouldn't be there without meeting these requirements. So they are trying to meet all the requirements, is that correct.
 - Community and Economic Development Director Stefanie Leif replied yeah, absolutely, in good faith effort he's meeting everything or trying to meet everything and meet what the City is asking for.
- Councilmember Brungardt asked and you feel good about it.
 - Community and Economic Development Director Stefanie Leif replied I do, I mean, again, design no, but it has been well used since it has been in, people in the community are enjoying it, it is a service that the community is definitely enjoying having in town, so I'm fine with it, do I absolutely feel it meets the criteria from staff, no, but I'm not the final decision maker.
 - Councilmember Brungardt stated not to put you on the spot.
- Councilmember Pawlowski asked will the UDO tighten that up.
 - Community and Economic Development Director Stefanie Leif replied yes, that is definitely a priority because that is what we found as we went through this is that it is not very clear on how to handle something like this. It is very clear if you are bringing in a new restaurant business, it is a brand new building, new parking lot and landscaping, but something that is adding on to an existing building or something that is a smaller unit, the same thing if it was a food truck parked here all year long, again how do we really handle that. So it definitely was an area we feel wasn't addressed very well by the code, so we definitely plan on working on that this year and making that more clear for everyone, staff and applicants as well.

The motion was unanimously approved.

REPORTS:

Department Heads: Public Works Director Jeff Rupp updated the Council on the DeSoto Road project. He advised that the project is about half way through to the bidding process. He also discussed the medians that will be on Eisenhower Road that will eliminate left turns out of the gas station and the first entrance to grocery store. This change will dramatically decrease the amount of accidents that happen at that location. Jeff also briefed the council on changes to the Capital Improvements Plan in that the sidewalks project for Adam's Acres originally budgeted for is well over budget due to ADA compliance issues eating up more driveway length than anticipated and a requirement for a retaining wall to be built. Because of this Jeff sought permission to scrap that part of the project for 2017 which would allow more streets, curbs, and other sidewalks to be worked on and will budget more thoroughly for that particular sidewalk project in the future.

- City Administrator Tim Vandall advised that a motion was not necessary that it could be done internally, Jeff Rupp was informing the Council to ensure no one opposed the change.
- Councilmember Pawlowski brought up the issue with no sidewalks in front of the high school and there should have been estimates about two years ago to put those in. Public Works Director Jeff Rupp advised he will look into the issue.

City Attorney: City Attorney had nothing to report.

City Engineer: City Engineer had nothing to report.

City Administrator: City Administrator Tim Vandall reminded the Governing Body to check their schedules for the LCDC Annual Meeting and the Chamber of Commerce Banquet and to RSVP to City Clerk Sarah Bodensteiner as soon as possible. He also reminded the Governing Body that the Joint Meeting with the County Commissioners regarding McIntyre Road is on Thursday, January 12, 2017, and the Joint Meeting with the Planning Commission regarding the Comprehensive Plan is on Thursday, January 26, 2017. He went over the figures of the sales tax .45%

increase if approved. The Council needs to make a determination if the increase would be a General Purpose or Special Purpose and with that he introduced Gina Riekhof with Gilmore & Bell to brief the Council.

- Gina Riekhof of Gilmore & Bell stated I think Tim distributed to each of you a draft of the Resolution that would be necessary to call an election on the sales tax question. If I can draw your attention to page two of that Resolution, its section three, the indented portion of it is proposed language that would appear on the ballot and I think that is probably the best place to look. There are a couple of things about that, let me talk about the stuff that is in brackets right now first. So as Tim mentioned under State law there is that ability of cities to impose up to three percent local city-wide sales tax, up to two percent of that three percent can be for General Purposes and only one percent can be for Special Purposes. The key about the General Purpose and the Special Purpose is a sales tax is whatever you say it is, as long as it is not for a single solitary specific purpose, it can be a General Purpose sales tax. Really the difference, the thing to keep in mind about the difference between a General Purpose sales tax and a Special Purpose sales tax, is the Special Purpose is required to sunset within ten years, so it has to have a termination date and that termination date can be no later than ten years from the date it is imposed. A General Purpose sales tax can have a sunset, it can have any sunset you want or it can have no sunset at all, and so that really is the difference between the General Purpose and the Special Purpose. You currently have a one percent General Purpose sales tax that is in place, that sales tax has no sunset. This election could be called with a .45% sales tax with any sunset that you choose because it would fit either within the one percent Special with a ten year or less sunset or within the General Purpose with no sunset. You could pick a twenty year sunset you could pick a five year sunset, or seventy-five year sunset. So it really is up to you about what you want to do. The one thing that I would caution you on as you choose what that sunset may or may not be, or if there is one is the more specific you make the uses of the sales tax, the stronger you should consider thinking about breadth of how you might be able to use that sales tax if it is in place for a very long period of time. So I'm not advocating for a sunset or not, that's your policy decision, but if you go with something that does not have a sunset or have a very long sunset, I would encourage you to consider the purposes that you put out in this ballot question because so long as the sales tax is in place, you will be bound by whatever is in this ballot question for how you use the proceeds of the sales tax regardless of how the dollars grow as sales within the community grow. At this point, the second thing that I point out in the ballot language is currently we have this set at .45% which I think you guys have discussed at length, but we've also specified that the purposes would be to finance recreation improvements and infrastructure improvements including but not limited to DeSoto Road. I do know that is a priority that Tim and I have talked about, and so these proceeds could be used to do pay as you go projects or the sales tax proceeds could be used to pay debt service on bonds that would be issued to finance either DeSoto Road or recreation improvements if that was something you chose to do in the future. With that I'm going to stop and answer any questions that you might have about the ballot language here or about the General of Special Purpose sales tax.
- Councilmember Pawlowski stated when we started talking about this, the discussion we had, and I don't think you were here, but we were talking about .45 so we were under nine percent and we talked about ten years, and we talked about DeSoto Road and our parks. My personal feeling is and I know we can't be really specific because we don't want to box ourselves in, but in our community I think that if they see it is going to go for a specific project that it is more likely to pass. The one question I had was if we do the DeSoto Road, well we're doing the DeSoto Road Project, we're trying to offset some of that so that we don't have to raise the mill levy, or raise it as much, my question for the Council I guess is if we bond it for twenty years do we want to do just a ten year or do we want to do a twenty year?
 - Councilmember Studnicka stated I say stick to our guns and do it for ten years.
 - Councilmember Pawlowski stated we can always renew it.
 - Councilmember Studnicka replied that's what I'm saying.
 - Councilmember McNeill stated let's see, when I got on the Council we started DeSoto, it was over eight years ago, so we're barely even starting DeSoto and that is one little piece of DeSoto and we have to go down all the way past the school with DeSoto Road, so I don't think ten years is going to cut the mustard for what we're talking about infrastructure all the way down that way.
 - Councilmember Pawlowski stated no, but right now we're just talking about financing the part between Ida and Eisenhower.
 - Councilmember McNeill stated I know but the tax remains, it could remain as not being sunset, so we could put a longer sunset on it you could pay for all the way down DeSoto with that money as we go.
- Councilmember Garvey asked couldn't the ten to twenty year sunset sway voters one way when voting on it? Like if you say twenty years some might say oh that's too long I don't want to vote for something like that.
 - Councilmember McNeill replied yeah but I mean it depends, because we should have some kind of communications campaign. Because what is going to happen is we can have a sales tax, right, and

- Councilmember Studnicka stated I say shorter, I say ten years.
 - Councilmember McNeill stated I don't think, from my perspective, that in ten years we're going to be able to pay for DeSoto, so we'll end up making that small piece of DeSoto from Eisenhower to Ida and the community is going to say that looks really cool from Eisenhower to Ida, but what about this bridge, what about over the hill, what about the school, and we're going to say yeah, we might do those in another ten years, run another plan to pay for that piece. I think if we do the communications right and say, and Don you're right, a tax is a tax, but not all taxes are alike. I would much rather have an increase in sales tax than I would an increase in the mill levy as a property owner, because that's who it hits, the homeowner.
 - Councilmember Studnicka replied I agree with what you're saying, you get the community involved not just our citizens, but what happens is this sales tax is not going to pay for the whole project, we will probably have to, or this Council will probably have to raise mills anyhow to finish that project and continue that project, so you're going to have some bitterness running around out there.
 - Councilmember McNeill stated what we could do is do the actual math which would be nice, you know, figure out the rest of it all the way down and say hey we project in twenty years we would have actually had the money to pay it or in ten years we can pay it, whatever it is.
 - Councilmember Trinkle stated you don't know what it's going to cost, you say in twenty years, I have to agree with Don we don't know what it's going to be, the end factor. If you take a twenty are we going to have enough money?
- Councilmember Studnicka stated the whole purpose we started this is Tim had a great idea to do this to help mitigate the cost so we wouldn't have to raise a chunk of mills to pay for that project and he did the math and it would cost what about four mills?
 - City Administrator Tim Vandall stated if it doesn't pass four mills for two years, but if it passes we shouldn't have to raise the mill levy, and even at that I want to say that even in seven or eight years something else General Fund related drops off, but as long as that passes we probably wouldn't have to raise the mill levy.
 - Councilmember McNeill asked for ten years.
 - Councilmember Buehler replied the first part of it, of DeSoto Road.
 - City Administrator Tim Vandall responded for the project Eisenhower to Ida we wouldn't have to raise the mill levy if this passes.
- Councilmember McNeill stated we all know we have to go further than Eisenhower to Ida, so part of our job is to look a little longer range than what can we do in this little piece that we've already signed up to do.
 - Councilmember Pawlowski stated I'll go with the twenty if you guys think we can get the twenty to pass.
 - Mayor Kirby stated the other thing is if it doesn't pass in May, we've got November.
- City Administrator Tim Vandall stated staff is already working on communications ideas either it is speaking to the Kiwanis Club, Lions Club, doing community forums, doing mailers, and things like that.
 - Councilmember Studnicka stated I agree with the publications, I agree with educating the public with what we're trying to do here, there's no doubt about that we have to do that.
- City Administrator Tim Vandall asked would you guys be okay doing a motion to say for twenty years just so we have that for the record.

Councilmember McNeill moved to have a sunset expiration of 20 years for the General Purpose Sales Tax. Councilmember Buehler seconded the motion. The motion was approved with Councilmembers Studnicka and Trinkle voting against the motion.

Governing Body: Mayor Kirby mentioned that those interested in the Friends of Lansing non-profit group, they will be holding a meeting on January 24th at 7:00 p.m. in the Lansing Community Center to work on By-Laws and a Board and moving the group forward. He also read the following statement: first of all I want to thank all of you who have supported me during the last two years and eight months, but hey who's counting. I truly appreciate all the kind words and gestures shown to me by so many of you from all parts of the City during this time. To the City staff thank you, the Department Heads thank you. When we first began this journey together I expressed my support and confidence in all of you and you did not disappoint. I promised to stay out of your way, I would not tell you how to do your jobs as long as you didn't tell me know to do mine. That did not mean I would not ask questions because I did. You are an educated, trained, dedicated, professional group, I admire and respect you for everything you do every day for this place we call home. Tim, I'm glad you're here. You brought with you a desire to grow and move us forward. I appreciate that when we've had our differences, which were few and far between, that we were able to openly and honestly discuss those and then move on. You brought to us new ideas and new ways to keep us moving forward. I

have enjoyed meeting with many of our citizens to discuss different issues and problems that arose. I was always honest with each of you, I never sugar coated anything. I never told anyone what I thought they wanted to hear just to be done with them. I never made a promise I could not keep, my decisions were always made with the best intentions. To those of you seated alongside me, thank you for your confidence and support you have shown me. We've had our differences, but we were always able to move on, let go and move forward. We have made some difficult decisions, but we made them, stuck together, and moved on. There seems to be some others who'd like to take at least some of the credit for me getting involved in this process. Let me be clear, there is only one person to give credit to or blame for me being here in the first place, Dave Trinkle. Back in 2010 he simply would not take no for an answer. To my wife and daughter who listened to me, kept me going, and hung with me, thank you. The right thing to do is not always the easiest thing to do, but it is still the right thing to do.

Councilmember McNeill thanked Mayor Kirby for his service and becoming the Council President when he did, because without that he would be in the Mayor seat. He appreciated the professionalism and common sense approach to how he handled agenda items, and running the meetings. He thanked the Mayor for making life on the Council really easy. He also thank Kevin Gardner for his service to the City, not only as a Councilmember, but also a volunteer to the various boards.

Councilmember Brungardt thanked Mayor Kirby for showing great leadership during his time as Mayor and working well with the Council on tough topics. He also thanked Debbie Kirby and Hannah Kirby for giving up Gene to be involved with all that the City asked of him.

Councilmember Studnicka echoed the previous sentiments and thanked Mayor Kirby for his friendship, leadership, and counsel.

Councilmember Trinkle stated that Mayor Kirby has been incredibly loyal to the City and that he 'stepped off of a wagon into a big tub of kaka and kept right on going'. He didn't back down, he's honest, and his common sense approach was always appreciated. He hopes to continue working together.

Councilmember Pawlowski wondered who she would call on Sunday nights. She thanked Gene for his leadership during the tough times and situations the City faced with losing Billy and Ken in a close time frame. Also with Gene's leadership the City is on a good path for the future. She also stated that she will still call Gene and is glad he is not moving.

Councilmember Garvey admired Mayor Kirby for the job he has done with the role he was tossed into. He is proud of how he has handled himself and held the City up. He also thank Kevin Gardner for his service with the City, and thanked Marcus Bean and Jerry Gies for applying for the Planning Commission and that the City functions so well because of the volunteers we have.

Councilmember Buehler stated that nine days is the difference between Gene being Mayor and himself being Mayor. He thanked Mayor Kirby for doing a great job, jumping in head first with no hesitation, and providing exceptional leadership to the City, not just for Council but to staff as well, and will be greatly missed. He hopes Mayor Kirby enjoys his time off and is able to spend more time with his family. He thanked Marcus Bean and Jerry Gies for applying to the volunteer board and encouraged Marcus to reapply, because it's exciting to see younger residents take interest in getting involved.

ADJOURNMENT: Councilmember Buehler moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:54 p.m.

ATTEST:

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk