

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:

OLD BUSINESS:

Approval of Minutes: Councilmember Brungardt moved to approve the regular meeting minutes of June 15, 2017, as presented. Councilmember Trinkle seconded the motion. The motion was approved, with Councilmember Buehler abstaining from the vote.

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

Presentation

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Request to Advertise – Project 13-01: Storm Sewer Improvements for East Kay and Third Street:

Councilmember Kirby moved to authorize the Public Works Department to have contract documents prepared and advertise for bids for Project No. 13-01: Storm Sewer Improvements for East Kay and Third Street. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Structure Removal Cost Share Request – 118 West Kansas Avenue: Councilmember Brungardt moved to approve the structure removal cost share application with the bid from Frederick Excavating for the structure located at 118 West Kansas Avenue. Councilmember Buehler seconded the motion. The motion was unanimously approved.

Main Street Overlay District Application – 612 North Main Street: Councilmember Trinkle moved to accept the Planning Commission's recommendation to approve the Main Street Overlay District application for 612 North Main Street subject to the conditions set forth and approved by the Planning Commission. Councilmember Garvey seconded the motion.

- Councilmember Pawlowski stated one of the conditions, and maybe Brian ought to answer this since I see he's here, was that the shed can't be vinyl and the picture of the one that they've got here in the, let's see, the shed shall not be constructed of vinyl siding, shall be complementary colors and materials to the existing building, but the shed that they have a picture of here is a vinyl coated steel storage shed.
 - Community & Economic Development Director Stefanie Leif replied that is correct and actually I did want to point out a correction actually to that. So this is condition number three under actions, actually the applicant did point out to me that the existing building is actually vinyl siding and I was thinking it was wood siding, so I would suggest that if the Council wants to go with that condition we would just strike materials because we don't want to allow another vinyl building. But you're right, they did submit that as their proposal, but the Main Street Overlay District specifically prohibits vinyl so we wouldn't allow a new building to have vinyl siding. That was discussed some and it sounds like the applicant is okay with that.
 - Councilmember Pawlowski stated I was on the Council when we did the Main Street Overlay District and that was in response to a building that went up on Main Street that we couldn't stop going up, I was pretty new, but Don and Dave were old hats by that time, but anyway, my concern is and it kind of goes with the next item too is that we're adding to the use because it's now an insurance office and he is changing the back part to a car detail shop, so how do we protect the Main Street; the whole reason for the MSOD was to protect Main Street to make it viable for other business to come in, that would want to come in to an area that is uniform. It's not really uniform.
 - Councilmember Kirby stated there's certain criteria that you want met.
 - Councilmember Pawlowski replied right. And my concern with both of these items is that we're violating the intent of the Main Street Overlay District.
 - Community & Economic Development Director Stefanie Leif responded sure, I think that is a valid concern, I mean one of the issues that I kind of ran into looking at the Main Street Overlay District was that it doesn't really accommodate additions, remodels to existing buildings very well. I think it's very well done to accommodate a brand new building coming in, but when you have an existing building

and you have a business owner that's trying to do something a little bit different to it, it doesn't exactly, the criteria doesn't exactly quite fit that. So when I looked at this I thought that there were pretty minor improvements that they are asking for and they are willing to not do a temporary carport but a framed structure with a shingle roof that would match the building and then the small shed. There are existing sheds to the North on the back of that property, so we thought it did fit in with that particular area. But I think that is a valid concern and one of the things that we're looking at in the unified development ordinance to have some criteria to handle these existing buildings and be able to work with that because not everybody's going to be able to do a new building.

- Councilmember Pawlowski asked so we approve this tonight and there is a carport and the guy comes in and does his car detailing and then decides not to do it next year and then we have a carport and shed back there, we don't have any control over what goes in there then, correct.
 - Community & Economic Development Director Stefanie Leif replied as long as it would be a use that is allowed, and the next agenda item talks about the use, but as long as it is a use that is allowed in the zone we wouldn't specifically be able to control that use as long as it's allowed, but we do in terms of code enforcement, if there is junk being stored back there we can definitely enforce it that way. What I looked at too and the reason why I have these as two separate agenda items is that I didn't feel like they were really contingent upon each other, so Mr. Peters the owner of the property, if he wanted to construct a carport to park his own vehicle or one of his clients vehicles under it, he could request Main Street Overlay District to do that and same with the shed, so I felt like he could do that regardless of anyone who might be using the garage or tenant he has he could do that for his own business use. So that's why I did keep it separate, if that answers your question.
 - Councilmember Brungardt stated it occurs to me that it would be very appropriate. It appears to be a nice improvement, and I think we need to use common sense with that.
 - Mayor Smith stated yeah an improvement, I agree.
 - Planning Commission Chairperson Brian Schwanz stated that's one thing that we discussed is it's actually on the backside, the shed and side. And the other piece that we talked about was we added number five as a condition that if a screen was added, they talked about maybe a tarp or something and we wanted to keep the integrity of the Main Street and that's why we talked about a lattice or a permanent structure for that side of that carport.
- Councilmember Pawlowski asked when we do the UDO will that help, I mean I know there is a lot of these questions because we've had these come up before about auxiliary structures and that kind of stuff, is that something that we can take care of in the UDO?
 - Community & Economic Development Director Stefanie Leif responded that's definitely been on the list that the consultants are looking at because I specifically said accessory buildings, additions to the existing buildings that doesn't seem like ours is a good way to address those right now in the Main Street Overlay District. We haven't seen a draft of that yet but my anticipation is that we can work that out.
- Councilmember Trinkle stated I think we, as a Council, need to consider what our Planning Commission has done. That's what they are there for, we don't want to get too stringent and we're going to put ourselves right out of business, there isn't anybody who would want to come to Lansing to build. We use common sense and I think everything is fine in my vote.

The motion was unanimously approved.

Re-zone Request – 612 North Main Street: Councilmember Garvey moved to accept the Planning Commission's recommendation to approve the rezone of 612 North Main Street from B-1 to B-3 and adopt Ordinance No. 980. Councilmember Buehler seconded the motion. The motion was unanimously approved.

Memorandum of Understanding – McIntyre Road: City Administrator Tim Vandall stated you guys can discuss before there is a motion on the floor.

- Leavenworth County Project Manager of the McIntyre Road Project, David Van Parys stated Mr. Mayor and members of the Council, thank you for the invitation to appear this evening. As the Mayor alluded to this is I'm hopeful one of the final steps in the long road that began in 2014 with the concept of the renewal of the one cent retailer county wide sales tax would take place to fund certain capital improvement needs at the county. That matter was taken to the voters, it was passed by a large margin. Three projects were identified on the

ballot question explanatory note, one of which was the improvement of East McIntyre, as I recall that is McIntyre Road East from K-7 to State Highway 5. That road project was identified years prior to that by the county public works department and the county planning department, which was based upon the projection of growth in the area, traffic count, and the need, it was seen at the time, and I still think it's still seen now, as a connecting road between K-7 and State Highway 5. The agreement that is before you this evening is a result of months of discussion between your staff and the county staff, and I've tried to keep it as simple as possible. I like to say I like to work backwards, I start with a ten thousand word document and reduce it down as far as I can, granted it's three pages but I think it accomplishes the goal of what we have which is to get the road built. The County recently went out for bids for the improvement of 147th Street, we have received six, excuse me seven bids. The final bid, the low bid was from a very reputable company which was fly spec'd, was half of what our engineering estimates were. It's a great market to go out and get these types of construction projects going. The goal of the County working with the City it to build a good road; to build a good road that we can put out for bid within ninety days, possibly sooner, as soon as possible with the idea of having the bids let in 2017 and this project completed 2018; not 2019, not sometime in the distant future, but get that road built. There is going to be a lot of growth in the metropolitan area and we want as much of that growth as possible to be in Leavenworth County, which includes the City of Lansing. This road is projected not only to benefit the City of Lansing but the County as whole. I'd ask that you consider this favorably and I'm certainly here to answer any questions you might have. I will caveat that I have never pretended to be an engineer nor has anyone ever accused me of being an engineer, so I'll defer both to; your Public Works has been in contact with our county public works and the design firm on this and we think it's a good design. Does it meet everybody's wishes? No. It is absolutely perfect? No, it's a twenty-five year road that we think sets us down the road for future development.

- Councilmember Kirby stated you talk about the design and this has went from a four lane with sidewalks to half of that, and you talk about the design and to me it's a simple yes or no question, is the road going to be built to meet City specs?
 - David Van Parys replied no.
- Councilmember Pawlowski stated this has been kind of a mess, you know. The County asked us for our comments, didn't even give us a chance to turn them in, voted on it, and lowered the design speed. They told us that they don't think traffic is going to increase on it. The speed on the road is already forty-two miles per hour, the average, and they are designing it at thirty-five. I agree we need to have that road improved, but my concern from the City of Lansing's standpoint is that it's going to turn into the fiasco that DeSoto Road/147th Street has turned into which has been repair, replace, dig it up and start over because they didn't do it right the first time and it's been another burden on the City of Lansing, we have enough burdens already, and that's my concern that the County caved and didn't do what they should have done. That's not your fault but it's very frustrating sitting here from our standpoint. It's not giving us a high speed or a higher speed access to K-5, it's just giving us paved access, which the County Commissioners don't believe it's going to increase the number of cars and it's not going to increase the speed, which is both wrong in my opinion.
- Councilmember McNeill stated I think the purpose statement there, and I agree with the County in that it's an improvement over a gravel road, that's hard not to agree with. In this MOU the purpose statement says that it will be built in conformity generally accepted engineering standards for the common good of the parties, which is us and you, and the future development of Lansing. And this has been our argument, if the road isn't built to our standards in our City, then how is that helping the future development of Lansing? I get countywide it will probably open up some opportunities, but for our City it's not really improving our opportunity for development because if we put a new, let's say we've got to put housing in there, we've got to redo that road under our specs instead of letting the development occur. So we're just going to have to go back in and redo the road for our area which has kind of been our argument. If you did our specs on our side we would be good to go, and I don't even know if that's still up for grabs, but I mean if you guys are saving half the cost on a recent contract then why couldn't you consider building it to our specs?
 - Councilmember Garvey stated I agree, if you're saving, didn't you say half, on 147th Street where is the rest of that money going to?
 - David Van Parys replied secondary roads in the county.
 - Councilmember McNeill stated it's just hard to agree if that's the purpose statement because I don't agree that that's the purpose. If the purpose was said to improve the road from a gravel road to a county road, then I could almost say I could agree with that, but I don't agree with the purpose statement as it's written right now.
 - Councilmember Kirby stated they've saved money from the get go and what they are willing to give us now is not what they offered us in the first place. If we want to put a sewer sleeve in we can if we pay for it. You've already, not you, but the County has already saved money by downgrading, or whatever you want to call it, from what we was promised in the first place. It went from four lanes with curbs and sidewalks and now we're down to this, and if we

- Mayor Smith stated okay folks we've got a choice here, is there anymore comments, I think we've beat this thing to death for over a year, so we just need to decide what we're going to do one way or the other. Are there anymore comments either side?

Councilmember Studnicka moved to approve the Memorandum of Understanding with Leavenworth County for the McIntyre Road Improvement Project. Councilmember Buehler seconded the motion.

- Councilmember Pawlowski asked can we do it with reservations.
- Councilmember McNeill asked can we wait to see what it's going to cost us to bring it to our specs. Before we vote on this.
 - City Administrator Tim Vandall replied to put it to our specs is a complete re-design that would take months and months, three or four months. To add the two inches of asphalt though, we wouldn't know that until after they bid it out, but I'm not sure they are going to bid it out unless we agree to it.
 - Councilmember Buehler asked but isn't this the second design.
 - Councilmember Pawlowski stated yes.
 - City Administrator Tim Vandall replied yes.
- Councilmember Buehler asked wasn't the initial design that they did at our specs or significantly closer than this.
 - City Administrator Tim Vandall replied it had a higher level of speed, to clarify one of the comments that was made earlier I don't recall the design ever having curb and gutter on both sides or sidewalk on both sides. The previous design had a higher level of speed, so if you remember back in January we were talking about the vertical sights levels and that the average speed on there is forty-two miles per hour and we're designing it for thirty-five. That was kind of the big discussion back in January and the road was re-designed.
 - Councilmember Buehler asked so they re-designed it at a lower speed because wasn't it initially forty-five.
 - City Administrator Tim Vandall responded it was forty-five then they lowered it to thirty-five, because I think they would tell you they had citizen feedback about it.
 - Councilmember Garvey stated residents came to the meeting and voiced concerns about the speed.
 - City Administrator Tim Vandall stated that's true and I'll tell you too one of the former County Commissioners told me, it was former Commissioner Bixby, he had said I'm getting thirty phone calls from people who want to lower the speed and I'm getting no phone calls from people who want to keep it the way it is. So you remember we were trying to get the word out to people to see if that was important to them and we tried to talk about it here and I felt like at our public meeting that we had a few months ago I thought it was kind of equal, I guess I would almost say. I didn't think it was overwhelming one way or another. That being said the design speed was lowered.
 - Councilmember Pawlowski stated the lowering of the design speed meant that for Dan Butler's property there were only going to have to raise the road in front of his house four feet instead of thirteen feet, which meant that he would go in on a slight incline rather than a dip, and he was the one who was in Commissioner Graeber's ear every moment of every day. I didn't feel like the decision that they made had anything to do with the speed, it was more about the design and how it affected his property.
 - Mayor Smith asked Tony did you have anything else.
 - Councilmember McNeill asked so then if we want to build a development there, are we tearing that road up.
 - Councilmember Brungardt replied yes.
 - Councilmember Studnicka replied more than likely.
 - City Administrator Tim Vandall stated I would say it depends.
 - Councilmember Pawlowski stated you guys remember that north side is industrial or commercial in our Comprehensive Plan, so it'll have to be able to accommodate truck traffic, which is why i had my suggestion to add on the bid the two extra inches of asphalt to accommodate the trucks stopping at that intersection. It makes sense because otherwise they'll tear it up.

- Mayor Smith stated two inches extra in asphalt and that sleeve is going to be something if you all decide to do that, that we need to do.
 - City Administrator Tim Vandall stated once we get that number we would pass that along to you guys and like I said we'd have thirty days to figure out if we think it would be worth it or not.
 - Councilmember McNeill asked is that in this MOU.
 - City Administrator Tim Vandall replied I believe it is, yes. It's on 4c.
- Councilmember McNeill asked and we can make it in that time frame, no problem.
 - City Administrator Tim Vandall replied I'd email you guys as soon as I would hear about it and depending on when it is we would have at least one maybe two council meetings to consider it.
- Mayor Smith asked something else Tony.
 - Councilmember McNeill replied as long as they can't just accept the bids without any alternates and not tell us.
 - Mayor Smith stated no, it's our money and we'd have to pay, so it's going to come back to us.
 - City Administrator Tim Vandall stated I know especially on the sewer sleeve, I know Tony Zell, I believe, has spoken to the engineer on the project himself, so I know that those discussions have already been had. I've spoken with the County Administrator also about the additional two inches of asphalt so they are aware of that.
- Councilmember Buehler asked so if we put two inches of asphalt over it is there not going to be a two inch bump.
 - City Administrator Tim Vandall replied I asked that when I first asked them to consider it. I get the feeling that it would either be a slight bump and I told them if it was a substantial bump or substantial issue at a high speed not to include it, and they said they could still include it.
 - Councilmember Trinkle stated they'd probably phase it in.
- Mayor Smith anything else folks, comments. Let's try this again Sarah.
 - City Clerk Sarah Bodensteiner stated we have a motion to approve.

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

- Mayor Smith stated the motion passes. Thank you David for coming to the meeting tonight.
 - David Van Parys replied I will convey that information to the board and I would like to state one thing in closing, I understand your frustration in this and I'd like to tell you that I appreciate the courtesy that your staff has extended to me throughout this entire process and I'd like to recognize them for it.

Executive Session – Personnel Matters of Non-Elected Personnel: Councilmember Buehler moved to recess into executive session to discuss an employee's performance pursuant to the non-elected personnel matter exception, K.S.A. 75-4319(b)(1) for 30 minutes, beginning at 7:30 p.m. and returning to the Council Chambers at 8:00 p.m. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Councilmember Kirby moved to return to open session at 8:00 p.m. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

REPORTS:

Department Heads: Public Works Director Jeff Rupp briefed the Council on the status of the Mill and Overlay project and problems that have arisen thus far. We are currently in the middle of the project and he will keep the Council posted on the status of the project. He also advised the Council that beginning July 18th a detour will commence on DeSoto Road so that the bridge can be worked on and the project is to last about ten days.

- Councilmember Pawlowski notified Jeff Rupp about a pot hole on East McIntyre.

Library Director Terri Wojtalewicz briefed the Council on readership and participation statistics at the library, the current summer reading program at the library, and also invited the Council to attend the Fine Arts Fair hosted by Lansing alumnus and Kansas State Homecoming Queen Gabrielle Smith on Tuesday, July 11th and the Solar Eclipse informational session hosted by the Astronomical Society of Kansas City on Tuesday, July 18th.

City Attorney: City Attorney had nothing to report.

City Engineer: City Engineer had nothing to report.

City Administrator: City Administrator Tim Vandall stated that letters have gone out to property owners for the DeSoto Road Project, and comments, concerns and other items have come up by property owners, and the Council will be briefed about those items at the August 3rd meeting. Tim discussed the success of the structure removal policy and that through that process, a voluntary demolition, and one being pursued the 'old fashioned way', the City is on its way to take care of four of the identified structures needing demolition. He also mentioned a policy he and Stefanie Leif are working on regarding waiving building permits and possibly sewer fees on new residential structures; they are currently still working on a draft and are discussing additional stipulations. He also mentioned that he spoke with the Home Builders Association and they were receptive to the idea and would even give the City a shout out in an addition of their newsletter if this policy is implemented. He reminded the Council of the upcoming Budget Work Session on Thursday, July 13th at 7pm.

Governing Body: Mayor Smith commented on the fireworks show and the crowd size of the event. He also mentioned for future discussion the possibility of sidewalks in the area of Fairlane to Ida since the school district has changed its busing policy and parents have expressed concern of their children walking to school without sidewalks. Councilmember Garvey echoed the Mayor's comments about the fireworks show. He thanked City staff on a job well done.

Councilmember Buehler echoed Councilmember Garvey's sentiments and asked about crowd size.

- City Administrator Tim Vandall advised that from when they began collecting money at 7pm for parking, they collected \$581.00
 - Community & Economic Development Director Stefanie Leif advised that for sure there were a couple thousand people and had about eighty people that utilized the shuttle from the high school

Councilmember Buehler also asked if anyone knew if people showed up on Friday night for the show that didn't hear about the postponement.

- Community & Economic Development Director Stefanie Leif stated that she was at the park that evening and saw maybe 15 cars drive in and out, and she commended her staff in getting the word out regarding the date change.

Councilmember Buehler provided a fun fact, on this day in 1785 the dollar was selected as the monetary unit for the United States.

Councilmember Trinkle stated the fireworks were excellent and that more people from outside the community are showing up each year because our show is so good.

Councilmember Kirby thanked the staff for their hard work on the fireworks show as they did a great job. He also asked about gravel from a driveway washing onto the street.

- Community & Economic Development Director Stefanie Leif stated that the City does have regulations for that and will have the Code Enforcement Officer look into it.

Councilmember Pawlowski asked about the timeline for the water line to be installed at Bernard Park.

- City Administrator Tim Vandall replied that he has not been informed of a timeline as of yet. The bid has been accepted by Lan-Del but a date as for beginning of installation has not been provided.

Councilmember Pawlowski mentioned that she received numerous complaints about fireworks and debris from fireworks.

ADJOURNMENT: Councilmember Pawlowski moved to adjourn. Councilmember Buehler seconded the motion. The motion was unanimously approved. The meeting was adjourned at 8:18 p.m.

ATTEST:

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk