



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

**COUNCIL AGENDA**  
*Regular Meeting*  
**Thursday, March 1, 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***

***Council Consideration of Agenda Items:***

2. Request to Advertise – 2018 Capital Improvements Program

***Reports:***

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

***Proclamations***

***Other Items of Interest:***

3. Flood Awareness Week Proclamation

***Adjournment***

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# AGENDA ITEM

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TO: Tim Vandall, City Administrator  
FROM: Sarah Bodensteiner, City Clerk  
DATE: February 23, 2018  
SUBJECT: Approval of Minutes

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The regular meeting minutes for February 15, 2018, are enclosed for your review.

Action: Staff recommends a motion to approve the regular meeting minutes for February 15, 2018, as presented.

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**AGENDA ITEM #**

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**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

**Ward 2:** Andi Pawlowski and Don Studnicka

**Ward 3:** Jesse Garvey and Kerry Brungardt

**Ward 4:** Gregg Buehler

**Councilmembers Absent:** Gene Kirby and Tony McNeill

**OLD BUSINESS:**

**Approval of Minutes:** Councilmember Brungardt moved to approve the regular meeting minutes of February 1, 2018, as presented. Councilmember Buehler seconded the motion. The motion was unanimously approved.

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

**Presentations: Military Saves Week Proclamation:** Councilmember Buehler read and presented the proclamation designating February 26 thru March 3, 2018 as Military Saves Week to representatives from Armed Forces Bank.

**COUNCIL CONSIDERATION OF AGENDA ITEMS:**

**Ordinance No. 995 – Re-Zone Request 00000 East Mary Street:** Councilmember Buehler asked can we limit on agricultural to no livestock ever.

- City Administrator Tim Vandall replied one thing that I did double check on that you can limit the agriculture to an extent, the term is called contract re-zoning. The one thing that I was cautioned on, there are some practicality issues with it occasionally. Obviously if we establish something like that and he put cows there next year, everyone would be on guard, everyone would see it, neighbors would see it. I think the concern more from what the consultant mentioned to me is what happens in fifteen years when there is staff turnover, council turnover, so we'd have to put notes on our zoning maps and things like that. And the other thing that he brought up too was you don't want to look at your zoning map in fifteen years and see notes on twenty different properties, so it's not a practice that you want to utilize all the time. It's possible, but there are issues sometimes with implementation of it.
  - Councilmember Buehler asked is it possible, I don't think we can use a special use permit.
    - City Administrator Tim Vandall replied we could for an apiary, but it sounds like the applicant doesn't like that option.
      - Councilmember Buehler stated because we can't for the crop.
        - City Administrator Tim Vandall stated it goes beyond crops, I think his plan calls for barbed wire and electric fence which wouldn't be allowed in residential, as well as a storage building, which wouldn't be allowed in residential without a primary residential structure. So I think that's why his preference is the straight re-zone. If it was bees and nothing else, we could probably do a conditional use permit, we could probably talk about interpretation of the term crops also, and try to figure out how many acres we could let someone utilize on a twenty acre parcel before it constitutes a crop. So if it was just those two things we probably could do some type of conditional use if the applicant was open to that. In talking to him and reading his summary I got the feeling he wasn't open to that thought, but the applicant is here if you want to ask him questions.
          - Councilmember Buehler stated so a contract re-zone, so could we, I don't know if this is right I'm just trying to work something because we've got a piece of land that's residential that we can never use as residential, so if we do a contract re-zone, and everybody's concern is what's going to happen in fifteen years when he sells it. So we do the contract re-zone to him, limit the no livestock, if he sells the property the contract goes away and goes back to R-2, or whatever it is now. Is that feasible?
            - City Attorney Gregory Robinson stated I think the problem we run into there is that you still would have to give notice of the re-zone. So even if by contract it were to revert back, you still would have to give notice for that. Say for whatever reason it flips around the other way, so now you want to go back to R-

2, and people say hey we like this walk-way, we like this waterway, why are you going back to residential. It seems to me, and I like Tim's idea when he talked to me about this earlier today, this morning, I think what would have to happen there with the concern about being put on notice, is that you do it like a covenant then you file it at the Register of Deeds so it would stay with the land like a restriction. Therefore if someone were ever to sell it and somebody's going to do land-title searches and things like that, they are going to come across that sitting there at the Register of Deeds office. If all you're doing is a contract and you stick it in my file, or Tim's file or the Clerk's Office, who's going to know it? You don't see it, but if you actually file it then I think you're putting people on notice if there is every going to be a change of hands.

- Councilmember Pawlowski stated if they ever look at it, because I can tell you they don't usually look at restrictions.
  - City Administrator Tim Vandall stated it's not perfect.
- Councilmember Pawlowski stated the issue that I have, that I didn't have before, which is the electric fence, that he wants to put up an electric fence adjacent to a neighborhood and I have huge issues with that.
- Councilmember Buehler stated I grew up with an electric fence across the street, I admittedly walked up touched it, got shocked a few times, made dares with people.
- Councilmember Garvey stated the electric fence doesn't bother me as much as the what if. All the what if's afterward bug me. An electric fence doesn't bother me because the nursery on 10<sup>th</sup> Avenue has an electric fence around it and it's in a residential area, so it doesn't matter, but it's all the what if's down the line that I worry about.
- Councilmember Buehler stated so we could file it with restriction.
- City Administrator Tim Vandall replied short answer, yes.
- Councilmember Buehler continued land sells, we file it, and whoever buys it says I want to put cows on it, we say nope sorry.
  - Councilmember Pawlowski stated then you have to go to court to enforce it.
    - City Administrator Tim Vandall stated and that would be the concern if there is a title search in twenty years it may or may not show up, staff would be different at that time too. We're dealing with worst case scenarios here, I'll say that, we're dealing with worst case scenarios.
    - City Attorney Gregory Robinson stated I would disagree on one little thing about that, you're dealing with law school what ifs, and that's really even the worst scenario, because you can what if this thing all day long about every impediment you can think of. If this is a thing the Council would consider, I think Tim's idea of a contract per se, that would be filed in the Register of Deeds so that anytime a title search is done on any transfer of land, it would be there and enforceable because the benefits of the contract would mirror any of the benefits to the City for example. The City is entering into a contract and it's going to have certain rights as part of that contract that the landowner gave to the City. So it can't just go around and take away or diminish our rights to our contract by let's say going and selling to you Jesse and then saying oh I didn't know a contract existed, they can't enforce that, because we could we'd have a contract and any subsequent owners those contract rights and/or restrictions would pass on to that next owner.
    - Councilmember Garvey asked any exchange of name on the property, so for instance say he passes away and leaves it to a family member, it's still the same instance right.
      - City Attorney Gregory Robinson stated yeah, because that person is only going to be able to either transfer or leave, in a deceased situation, to the next person the only rights, benefits, and asset that they have, so if the asset is the same, so let's say the asset is one-



the future and then make a decision the first meeting in February, first meeting in March because it's already February.

- City Administrator Tim Vandall replied we can look at doing something like that. To Jesse's point too, we could contact the property owners and tell them we're discussing it again on March 1st or something like that.
- Councilmember Buehler stated they can say their thing, but we could at least have a knowledge of this contract and filing with the state or the county or whoever it needs to be filed with, and get a little better understanding of what that would do and I think that would open some minds.
- City Attorney Gregory Robinson stated one of the things I would point out is that this is almost like one of those code enforcement things; you learn of it when there's a problem. Somebody reports it so this gentleman has an issue we learn of it, this may be one of those future things down the road since this is the first time, and I've been here for quite a while, and I don't ever remember this being an issue, the closest thing we had was the B-3 Overlay or Planned out here, but this one might be one of those things where in the future we might have somebody on maps identify similarly situated properties within our jurisdiction and then maybe we develop a policy over time of how we want to deal with these. Do we want to reach out to landowners and say hey you're in the floodway but you're residential do you want to make this ag or whatever the policy would be and that they would voluntarily come in perhaps and re-zone, something like that. If that were the desire.
  - Councilmember Garvey stated I can tell you right now with the reference made to the comprehensive plan in one of the statements and the comprehensive plan needs to be fixed because there are things that are still out of whack with that too.
    - City Attorney Gregory Robinson stated and obviously that's on an annual sections done, I think statute requires, I can't remember off the top of my head, every one or five years or something like that, but that's a living document.

Councilmember Buehler moved to table the discussion until further information on contract zoning at the next work session and table it until the first meeting in March. Councilmember Pawlowski seconded the motion.

- Councilmember Studnicka stated I'm curious Tim you said the property owner is not amenable to a conditional use request like we already have for bees in this town.
  - City Administrator Tim Vandall replied he is here so he'd be able to speak to that, but I guess my impression was if he wants a building he can't have one in a residential with a conditional use, you'd need a main structure, like you'd need a house in order to have a storage building next to it.
    - Councilmember Garvey stated if he just wanted the bees then he could have it then.
      - City Administrator Tim Vandall replied yeah, if it was bees and nothing else you could do a conditional use permit. If it was just crops and bees you could probably do a conditional use permit and maybe figure out an interpretation.
- Councilmember Studnicka stated I'm confused are you living on the property now.
  - Applicant Breck Ricketts replied you can't live on it it's uninhabitable. It's in the floodplain, it's in the floodway, you can't live on that ever and it's been sitting there for many years.
    - Councilmember Studnicka asked was there an adjacent property owner who sold that piece off.
      - Applicant Breck Ricketts replied yes, Fairbanks.
        - Councilmember Studnicka stated she lives next door.
          - Applicant Breck Ricketts stated she's trying to sell her property. It's in the floodway, flood zone.
            - Councilmember Studnicka stated I understand.
  - Councilmember Garvey asked what percentage of the property is in the floodway because it can't be one-hundred percent, right.
    - Applicant Breck Ricketts replied it is ninety-six percent.
      - Councilmember Garvey stated ninety-six percent of the property is in the floodway.
        - Applicant Breck Ricketts asked did you get that document that I sent.
          - City Administrator Tim Vandall replied yeah I gave it to them.
            - Councilmember Studnicka stated yeah the updated stuff we got sent had it in there.
              - Applicant Breck Ricketts stated in the reference images down at the bottom is where the bees and lavender are going.
                - Councilmember Garvey stated so that's not the flood zone
                  - Councilmember Buehler replied right, but everything else is.

- Applicant Breck Ricketts stated the dark blue is the floodway.
- Councilmember Buehler stated you mentioned in this that you wanted to put a building on the adjacent property.
  - Applicant Breck Ricketts replied its going right where the apiary is marked. There is an elevated section that has a little bubble on it and it's about thirty feet wide by about one-hundred and twenty feet long, about eight foot off the ground and about three foot out of the floodway.
    - Councilmember Pawlowski stated and in order to build there you have to have a survey.
      - Applicant Breck Ricketts stated you can't build.
        - Councilmember Pawlowski replied you were talking about putting a building there.
          - Applicant Breck Ricketts stated dropping a shed. You have to have a permit, but not for FEMA.
            - Councilmember Pawlowski and Buehler stated that's for the City.
- Councilmember Trinkle asked so a building can't go in on the other four percent, it doesn't qualify to be able to put a barn or something.
  - City Administrator Tim Vandall replied the other ninety-six percent you wouldn't be able to put a structure on.
    - Applicant Breck Ricketts stated you could put one on the flood fringe, the light blue, if you go through FEMA and get it approved through FEMA but there are a lot of restrictions. Councilmember Pawlowski stated but the City won't let you do it.
      - Councilmember Buehler stated there are a lot of restrictions.
- Mayor Smith asked Don any other questions.
  - Councilmember Studnicka replied no that answered my question, now I know what the problem is.

The motion was approved, with Councilmember Brungardt voting against the motion.

**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 since the State has modified the Federal Fund Exchange Program and we are no longer allowed to bank monies, Staff is going to internally authorize disbursement of those funds. The total amount for the City is about \$99,000.00 and would go into the Capital Improvements Fund. Tim also shared that he received the first installment invoice for Leavenworth County Development Corporation and based on comments he's received from the Governing Body he wanted to see what their thoughts were about the group and the City's participation. At this time the City will go ahead and pay the first installment, have Mr. Jack come to a meeting in May, and decide at a later date if the second installment will be paid by the City.

**Governing Body:** Councilmember Trinkle expressed his thoughts and prayers are with the families of the recent school shooting in Parkland, Florida and hoped our leaders can set aside differences and come to a resolution to stop this violence against children.

Mayor Smith agreed with Councilmember Trinkle's remarks.

Councilmember Garvey echoed Councilmember Trinkle's sentiments and mentioned to also keep in mind that guns don't kill people, people kill people; it's not the guns it's the people with unstable minds, and he hopes that our schools are safe from this violence.

Councilmember Buehler provided a this day in history fact, on this day in 1898, the U.S.S Battleship Maine exploded and sank in Havana Harbor in Cuba, killing 274 people and causing the United States to declare war on Spain.

**ADJOURNMENT:** Councilmember Brungardt moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:28 p.m.

**ATTEST:**



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Michael W. Smith, Mayor

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Sarah Bodensteiner, City Clerk

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# AGENDA ITEM

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TO: Tim Vandall, City Administrator   
FROM: Jeff A. Rupp, Public Works Director   
DATE: February 22, 2018  
SUBJECT: Project No. 18-01: 2018 Capital Improvements Program (Street Mill, Overlay, and Pavement Preservation Project) – Permission to Advertise

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Based on the revised 2018 Pavement Condition Inspection Rankings, five streets are proposed for mill and overlay: Karen Lane, American Avenue, West Kansas Avenue, East Kay Street, and West Mary Street, as identified on the provided map.

Funding for this street overlay and milling recommendation is budgeted in Fund 70, line 43320. Also recommended for inclusion in the 2018 project is 1,365 linear feet of curb replacement to be funded from Fund 70, line 43334.

Action: Authorize the Public Works Department to prepare contract documents and advertise for bids for Project No. 18-01: 2018 Capital Improvements Program as proposed above.

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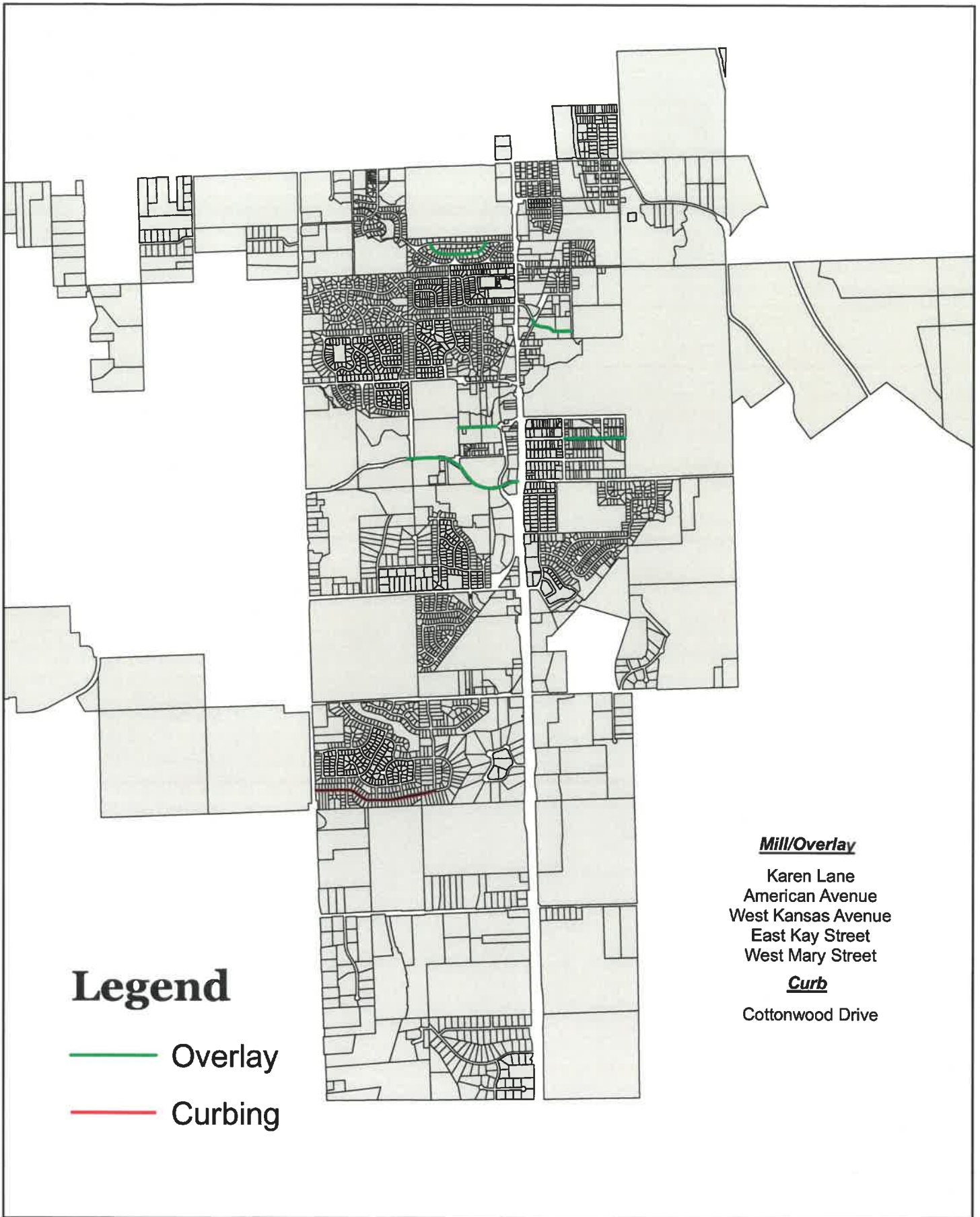
AGENDA ITEM #

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# 2018 CIP



\*SPECIAL NOTE: CURB & SIDEWALK MARKINGS ARE FOR FRAGMENTS, NOT ENTIRE STREET LENGTH

# Proclamation - Flood Safety Awareness Week

Whereas, Flood Safety Awareness Week is an opportunity to raise awareness about the importance of preparing for and understanding flooding in Kansas, and to encourage all citizens to better prepare their homes, businesses, and communities for the upcoming flood season; and

Whereas, the Kansas Hazard Mitigation Plan identifies flooding as one of the costliest types of natural disaster in Kansas, in terms of lives lost, injuries, and property damage; and

Whereas, floods threaten people, homes, and other property in every County in Kansas; and

Whereas, floods can happen anytime, anywhere, and without warning; and

Whereas, damage from a flood is not normally covered under a standard homeowners policy; and

Whereas, spring and summer flooding in 2013, 2015, and 2016 saw five flood deaths in Kansas and widespread flooding across the state; and

Whereas, the National Oceanic and Atmosphere Administration's National Weather Service will initiate Severe Weather Awareness Week on March 5:

Now, Therefore, I, Michael W. Smith, Mayor of the city of Lansing, Kansas, do hereby recognize March 5-9, 2018, as

## Flood Safety Awareness Week

in the city of Lansing, Kansas, and urge all citizens to recognize this observance and review their flood preparedness.

In Witness Thereof, I have hereunto set my hand this 1st day of March, in the year Two Thousand Eighteen.



*Michael W. Smith*  
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Michael W. Smith, Mayor

*Sarah Bodensteiner*  
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Sarah Bodensteiner, City Clerk

