

**Call To Order:**

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

**Roll Call:**

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

**Councilmembers Present:**

**Ward 1:** Dave Trinkle and Gene Kirby  
**Ward 2:** Andi Pawlowski and Don Studnicka  
**Ward 3:** Jesse Garvey and Kerry Brungardt  
**Ward 4:** Tony McNeill and Gregg Buehler

**Councilmembers Absent:** None

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**OLD BUSINESS:**

**Approval of Minutes:** Councilmember Buehler moved to approve the regular meeting minutes of January 18, 2018, as presented. Councilmember McNeill seconded the motion. The motion was unanimously approved.

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

**Presentations: Lansing Tree Board Arboretum:** Lansing Tree Board representative Randy Dorf briefed the Governing Body about the Tree Board's desire to have an arboretum in Lansing. The Tree Board has visited several arboretums in the state and has found them to be a very interesting and enjoyable attraction as well as an educational opportunity for the community. The Tree Board has identified two possible locations for an arboretum within Lansing that do not require the acquisition of real estate; Kenneth W. Bernard Community Park and Kelly Grove Park. The Tree Board is not seeking funding from the City at this time, but instead, looking for support from the City to move forward with this endeavor.

- Councilmember Kirby advised Mr. Dorf that the Tree Board should seek the assistance of Mr. Jim Fricke. He is the man behind the Friends of Lansing Library and Friends of Lansing 501C3 organizations, and could easily help with the receipt of donations within the Friends of Lansing 501C3.

**Sewer Service Issues in NW Lansing:** Wastewater Utility Director Tony Zell briefed the Governing Body on the current collection system challenges to provide sewer for new developments in northwest Lansing. Three options were discussed, to include (1) rehabilitation and replacement of existing pipes through established neighborhoods as stated in the Wastewater Master Plan, (2) routing flows from new development through the golf course to the north, and tying into a project under design, and (3) installing a new line on the south of the golf course, and intercepting existing flows from Maples III and Willows IV. Cost estimates were provided, and the Governing Body agreed to begin an RFP to select a design engineer.

**COUNCIL CONSIDERATION OF AGENDA ITEMS:**

**Request to Purchase Pickup Truck – Wastewater Department:** Councilmember Brungardt moved to approve the purchase of a standard cab 4x4 gasoline pickup truck from Zeck Ford in the amount of \$27,350.00. Councilmember Buehler seconded the motion.

- Councilmember Trinkle asked on these items that we're voting on tonight, Mayor, is this stuff going to go up for auction, are we keeping any of it or is everything going to be sold.
  - Wastewater Utility Director Tony Zell replied this particular truck we've already sold.
    - Mayor Smith replied most of it is going to be sold.

The motion was unanimously approved.

**Request to Purchase Pickup Truck – Parks & Rec. Department:** Councilmember Buehler moved to approve the purchase of a Ford 1-Ton crew cab truck with snowplow, lift gate, and headache rack from Shawnee Mission Ford in the amount of \$50,744.00. Councilmember Pawlowski seconded the motion.

- Councilmember Kirby asked is this replacing something else.
  - Parks & Recreation Director Jason Crum replied yes a 2003 4-door pickup truck. And that one we will put out for sale.
- Councilmember Buehler asked what is a headache rack.
  - Parks & Recreation Director Jason Crum replied it's an aluminum piece that protects the back window.
- Councilmember Garvey asked what is the mileage on that.
  - Parks & Recreation Director Jason Crum replied funny you asked me that it's 123,456, it just turned that today.

The motion was unanimously approved.

**Request to Approve 2018 Sanitary Sewer Cleaning and CCTV Bid:** Councilmember Buehler moved to approve the bid of \$1.29 per foot from Hydro-Klean for cleaning and videotaping approximately 105,000 feet of sanitary sewer. Councilmember Pawlowski seconded the motion.

- Councilmember Trinkle asked is this who we used before.
  - Wastewater Utility Director Tony Zell replied yes.
    - Councilmember Trinkle asked did they find anything on the last cleaning that we did.
      - Wastewater Utility Director Tony Zell responded sure.
        - Councilmember Trinkle asked is a lot of money going to have to be spent to fix it.
          - Wastewater Utility Director Tony Zell stated I haven't put figures to it yet, but they did find some defects, nothing I would consider out of the ordinary for being the old part of town, but nothing that made my heart skip a beat.
            - Councilmember Trinkle asked they did it all within their time that they said they were going to do it.
              - Wastewater Utility Director Tony Zell replied yes.
- Councilmember Pawlowski stated as I remember they were a lot cheaper than anybody else that bid, and so they said they will honor their price this year. I'm saying that so that they people that watch this understand that it was a deal.
  - Wastewater Utility Director Tony Zell replied it was a great deal.
    - Councilmember Pawlowski stated we like deals.
      - Wastewater Utility Director Tony Zell replied we do too, and their Kansas City shop is up and running.
        - Councilmember Pawlowski stated that's right, weren't they out of Omaha or someplace.
          - Wastewater Utility Director Tony Zell replied Des Moines.

The motion was unanimously approved.

**Request to Approve 2018 Flow Monitoring Study and Master Plan Update:** Councilmember Brungardt moved to approve the 2018 Sanitary Sewer Flow Monitoring and Model Update as presented in Attachment A, from George Butler Associates, in an amount not to exceed \$74,752.00. Councilmember Buehler seconded the motion.

- Councilmember Pawlowski asked did you just go to GBA because they'd done it before and that's the only one.
  - Wastewater Utility Director Tony Zell replied they did the original one and they've done probably twelve or fifteen different model ones for us to look at different properties, and I guess I kind of liken this to us always going back to PEC for our rate studies, they are the most intimately familiar with our flow model, collection system, and those types of things.
    - Councilmember Pawlowski stated we just want it to rain this year.
      - Wastewater Utility Director Tony Zell stated we do, we are starting thirty days later than we did the last go round, April, May, and June of this year.
        - Councilmember Pawlowski stated last time we didn't have rain.
- Councilmember Trinkle asked is this replacement or new, I mean put in new spots or locations.
  - Wastewater Utility Director Tony Zell replied they'll use the identical locations as best we can from the last study, so we can get an apples to apples comparison on what was occurring four years ago to what is occurring now, based on all of the new work that has been done over the last couple of years.
- Councilmember Pawlowski asked do you think when we get the results that will alter any of the other stuff that we just talked about.
  - Wastewater Utility Director Tony Zell responded with guarded optimism, yes. We won't know until we know, that's why we're doing the study.

The motion was unanimously approved.

**Request for After Hours Use of Activity Center – Boy Scouts:** Councilmember Kirby moved to approve the request from the Boy Scouts for after-hours use of the Lansing Activity Center for their Anti-Campout event. Councilmember Pawlowski seconded the motion.

- Councilmember Trinkle asked are all the proper insurances and everything we need been received.
  - Councilmember Brungardt stated yes it says it right there.

The motion was unanimously approved.

**Request to Purchase Mower – City Clerk’s Office:** Councilmember Buehler moved to approve the purchase of a Kubota Zero Turn Gas 54” Pro Deck mower from Romans Outdoor Power of Louisburg, Kansas, in an amount not to exceed \$8,185.00. Councilmember Pawlowski seconded the motion.

- Councilmember Kirby asked so I assume if there’s any warranty work that has to be done, then it’s going to have to go all the way back to Louisburg, Kansas.
  - City Clerk Sarah Bodensteiner replied for warranty work, we’d send it back to Louisburg.
    - Councilmember Garvey stated they may have a field service team too that could do it.
      - Councilmember Kirby replied nobody does that anymore, they used too.
- Councilmember Studnicka asked why Louisburg, that’s a good question.
  - City Clerk Sarah Bodensteiner replied price.
    - Councilmember Studnicka asked did the local Kubota guy down here, south of here give a good price.
      - City Clerk Sarah Bodensteiner replied the one in Bonner?
        - Councilmember Studnicka replied yeah.
          - City Clerk Sarah Bodensteiner replied his bid did not even meet our specifications.
- Councilmember Tinkle asked we’re not going to have to buy a tractor or trailer to get it anywhere.
  - City Clerk Sarah Bodensteiner responded we use Street Department, they let us borrow it or Parks if theirs is available. We use them for maintenance every year, we usually try to time it together.
- Councilmember Kirby stated I’ve got a 2002 that’s got almost 3,000 hours on it and I know you’re the last person to have this mower that’s been passed around, and that’s not a whole lot of hours for work that has to be done. This isn’t a criticism of you, so please don’t take it that way.
  - City Clerk Sarah Bodensteiner replied I don’t drive it.
    - Councilmember Kirby stated I know you don’t, but maybe you should be. I hope that we’re not going to run into this anywhere where we’re doing major repairs way too early. I just had to say that.
      - City Clerk Sarah Bodensteiner replied I would agree. We intend to maintain it as top notch as we can.
        - Councilmember Kirby stated I’ve got one with 3,000 that still runs and I’ve got them with 1,500 and 2,000 hours, and I don’t know if we bought a lemon or what, but anyhow good luck.

The motion was unanimously approved.

**Ordinance No. 995 – Rezone Request 00000 East Mary Street:** Mayor Smith stated a request has been received to re-zone the property addressed as 00000 East Mary Street from R-2 single-family residential to A-1 agricultural. The Planning Commission met on January 17, 2018 and recommends approval of the re-zone request via a 5-2 vote. The options are to accept the planning commission’s recommendation to approve the re-zone request and adopt Ordinance No. 995, approve the re-zone request with conditions, remand the application back to the planning commission, or table the item.

- Councilmember Garvey stated I think we should have audience participation first.
  - Mayor Smith asked if anyone wants to address the Council on this issue.
- Resident Mike Chiles stated I live on Hillbrook Drive which is right next to where they want to go back to agriculture. It’s really not a consideration in my opinion of bees and lilacs, it’s more of residential and agricultural. We have the ordinances that we have in residential that there just isn’t in agriculture. You know when we bought our home we bought it in a neighborhood expecting to be in a neighborhood and that’s kind of where I’m at.
  - Councilmember Brungardt stated so your problem is they changed the rules, sort of, half way through when you bought.
    - Resident Mike Chiles replied hopefully not, but that’s what you’re looking at tonight.
      - Councilmember Brungardt stated I get that.
        - Resident Mike Chiles stated when we bought our home we bought it right next to the cow pasture of the prison, I knew that when I bought it, but that’s one side. I was surrounded on the other three sides with residential. I don’t know what it would do to my property value if there was a pig farm in my backyard but I can’t imagine it would help.
- Councilmember Trinkle asked this doesn’t happen to fall into spot zoning that we tried to eliminate through our comprehensive plan does it.
  - Councilmember Kirby stated I think Becky needs to come up here.



matter what. So it probably, to have all of the information before the Body, probably should table it until that comes back, because if you do something here on the assumption that you think they are going to do something and you make a decision, the next thing you know their decision is opposite of what you thought or what you may have thought. To me it seems right to have all the cards on the table so you can look at it all to determine what it is that you want to do. Now again from the legal perspective of using its highest and best use, it would be agricultural and that would fit with our adopted comprehensive plan. Obviously we have people that have concerns and rightfully so, but at the same time right now can anyone else think of some land in our City that is covered by three sets of restrictive regulations: we have the City, we have the Feds, and we have the State, because this land is one-hundred percent within that floodplain and floodway. So livestock, people start talking about livestock, I don't know the rule I'm not an agricultural lawyer, but people want to start can you put pigs out there. I don't know how many pigs you could put out there before they have to have some type of protection, do they have to have an outbuilding, do they have to have a shed or lean-to, I don't know the answer because I'm not a farmer.

- Councilmember Pawlowski stated just for example we change the zoning, he buys an adjacent piece of property that he can put a building on, and he can let his pigs or cows or whatever roam around, then he's covered, but the question remains that we have people that have bought houses in a residential neighborhood, that have residential zoning behind them and they are comfortable with that, and changing the zoning opens those people up to a loss of property value, because the City would go in and change it, and I think that that is where our concern needs to be. I don't care what the comprehensive plan says, it's already zoned residential.
  - City Attorney Gregory Robinson stated true, and again I'm not pushing one way or the other because Tim and I actually had that conversation today that exact issue because under that farm protection development act preservation, we talked about it today what would happen if the ag to the east and the south and had bought those ten acres and let's say that ten acres is fenced. Could the new owner under the farm act protection stuff, if it's zoned ag, take down the fence and now the cows are walking and the outbuilding is on the other hundred acres he owns and the cows are all walking down in the floodplain and floodway without any buildings without anything. And again that becomes potentially a problem depending on whether or not it is to be considered livestock or if you've got some kind of farm operation, that if these animals are beating up the ground so to speak and turning it up are you causing problems with soil that can then be affected by flood waters.
- Councilmember Pawlowski stated and that's the other problem, being as intimately aware of the floodplain as I am is that water comes through there, I've seen stuff on that adjacent property float because that water gets so deep and you worry about what's going to happen if anything gets shoved up against that bridge, because then Tim is floating and all of his neighbors. I just think we need to table this until we have more information and I would personally, if it's up to me, Andi's world, want to do what we did with Bradford, and that way we don't change the zoning and we protect the property owners and he can have his bees.
  - Councilmember Buehler stated so make a motion.

Councilmember Pawlowski moved to table the item. Councilmember Kirby seconded the motion.

- Mayor Smith asked ma'am did you want to say something.
- Resident Dawn Hilton stated I'm a homeowner on Hillbrook and a homeowner on Hithergreen, so both of those properties. Much like Mr. Chiles I bought that property back in 2001 because of the zoning. It was very beneficial, not only to my property value but also to the reason I chose my second home up on Hithergreen. Mike I have two concerns that I would like the Council to consider as we negotiate this process. The first one is what is the benefit to the City? My understanding that zoning residential the revenue and the taxes are probably quite a bit more compared to agricultural, but I don't know, so the benefit to the City is what? And the second thing that I would ask the Council to consider is in good faith we bought our homes with residential behind us, and what are the oversights and the regulations to exactly what you talked about and that is a farm. What level of oversight or control will the City have once that is zoned agricultural? From my understanding in my research it's a lot less than it does right now for the residential zoning. And so I would ask that you all consider that before you make some decisions. It's a very emotional subject for all of us in the community because in good faith we bought that property and we want our community to do well and we don't think it's in our advantage to make that agricultural.
  - Councilmember Pawlowski asked if we found out that we could do a special use permit so he could have bees back on that property, if that happened would you guys have a problem with that?
    - Resident Dawn Hilton stated if we kept it residential, I don't know, what will the bees do, what will they do to my pets, I don't know, I can't answer it because I haven't done my research on bees.
    - Councilmember Garvey stated typically they don't harm anything, we've got bees right by a park over here where kids play soccer, and we've never heard of an incident.
      - Resident Dawn Hilton stated thank you for taking to the time to listen.

- Applicant Breck Ricketts stated I just wanted to say basically there is more than just the bees and the land use. The bees are really just an end to the means, the lavender is the crop that I had planned to do and that has to be on ag to do any kind of farming. So the real symbiotic thing is to have the bees for the lavender and the lavender for the bees. As far as land use, residential it will never be residential and it's not doing anything for the City, never will, it's been useless for as long as anybody knows and I'd like to put it to something, some good use, and I think that's about as good as that place is going to get. I would never put animals on a floodplain unless I was willing to let them all die, that's not in the plans.
- Councilmember Pawlowski asked Becky can he not plant.
  - City Inspector Rebecca Savidge replied crops are only allowed in A-1.
    - Councilmember Pawlowski asked but it's in the floodway can he disturb the ground to plant crops.
      - City Inspector Rebecca Savidge replied I did ask that question because I had the same concern.
        - Applicant Breck Ricketts stated it is three feet above the floodplain.
          - City Inspector Rebecca Savidge continued and she said that they are not concerned about a crop. If it was like thicket or something of that nature, then that was something they would look at, but for crops she said she's not. I told her what he was planning on doing and they didn't have any problem with that.
            - Applicant Breck Ricketts stated there are two acres south of the railroad that is above the floodplain.
- Councilmember Garvey asked if we could do a special use permit for bees couldn't you just add crop to it, or are you allowed to do that.
  - City Administrator Tim Vandall stated one of the things that we had done if you guys recall when we added the daycare use to the B-3 zone, so the daycare could legally be operated in the business and industrial park, we could look at adding a text amendment for crops to R-1 for conditional uses.
    - Councilmember Garvey stated that would keep us from changing the zoning.
- Councilmember Brungardt stated we really need to research this and make a good decision, so let's table this and have you guys do some research and report back to us.
  - City Attorney Gregory Robinson stated Mr. Brungardt I don't disagree with that, but I still think we have to wait until we get, if part of the motion was to wait and get FEMA and the other groups, and that's not technically research, I was just clarifying.
    - Councilmember Brungardt stated oh absolutely, that should be part of it, I agree.
- Councilmember Garvey stated so when you get your information.
  - Applicant Breck Ricketts stated well that's not required, only if it's fill. Any kind of fill work is really the only question I had with FEMA for permitting. If I don't do fill, I need nothing from FEMA.
    - Councilmember Pawlowski stated but the problem here with the change of zoning is that we, I believe, are obligated to protect property owners adjacent to this property. You bought this property, it was zoned R-2 and that's what it's zoned right now, and as far as I'm concerned that's what it should stay because of the protection of the property owners adjacent.
      - Applicant Breck Ricketts stated there is ag to the south of them and north; there are cows.
        - Councilmember Pawlowski stated I don't care.
          - Mayor Smith stated that's only one opinion, I think we need to get back on track and get some information back to the governing body.
- Councilmember Kirby stated a motion and second have been made and we all agree we want to bring it back.
  - Councilmember Buehler stated so the motion is?
    - City Clerk Sarah Bodensteiner stated the motion is to table the item.

The motion was unanimously approved.

**REPORTS:**

**Department Heads:** Department Heads had nothing to report.

**City Attorney:** City Attorney had nothing to report.

**City Engineer:** City Engineer had nothing to report

**City Administrator:** City Administrator had nothing to report

**Governing Body:** Mayor Smith stated the business appreciation luncheon is tomorrow at 11:30 and hopes others are able to attend. He also mentioned that Lansing residents Gene and Ada Young were named Humanitarians of the Year at the Chamber of Commerce Annual Banquet.

Councilmember Buehler provided a fun fact, on this day in 1865, President Abraham Lincoln signed the 13<sup>th</sup> Amendment to the United States Constitution abolishing slavery.

Councilmember McNeill stated that he was going to say this during the re-zone discussion, but it's not the person who currently owns the property who says what they are going to do on it, the concern is for the person who owns it after them, so that's the issue he struggles with. Should they change it for one person because after they sell it, who knows what could happen?

Councilmember Trinkle asked Public Works Director Jeff Rupp if the City is prepared for the weather that is supposed to come in.

- Public Works Director Jeff Rupp replied that they are ready and waiting.

Councilmember Kirby congratulated Library Director Terri Wojtalewicz with the Library Ribbon Cutting ceremony that occurred today. He also thanked all the library staff for the good job they do.

Councilmember Pawlowski commented on Wastewater Utility Director Tony Zell's son that he has grown up too fast. She also mentioned that she attended the Planning Commission meeting and wondered about the procedure for public hearings, as she felt that not everyone was given the full opportunity to speak because they closed the public hearing but discussion was still occurring and people couldn't speak up.

- Planning Commission Chairperson Brian Schwanz stated that he allows people to speak if they wish to speak.
  - City Administrator Tim Vandall stated that it's not a parliamentary procedure and that it's within the Chairman's judgment to allow people to come forward and speak if the public hearing has been closed.

**ADJOURNMENT:** Councilmember Garvey moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was approved, with Councilmember Garvey voting against the motion. The meeting was adjourned at 8:15 p.m.

**ATTEST:**

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Michael W. Smith, Mayor

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Sarah Bodensteiner, City Clerk