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

Councilmembers Absent: Tony McNeill

OLD BUSINESS:

Approval of Minutes: Councilmember Buehler moved to approve the regular meeting minutes of March 21, 2019. And the Special Meeting Minutes of March 28, 2019, as presented. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

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

Presentations: LCDC & Port Authority Speculative Building Program Update: Steve Jack, Executive Director for Leavenworth County Development Corporation, updated the Council on the Speculative Building Program. The Port Authority will invest \$200,000 now for a project at 400 N Main Street. The portion the Port Authority will eventually ask the City to contribute next year is 28% which is \$56,142.51. This amount would go towards future projects within the Speculative Building Program. Developer Jeremy Greenamyre has indicated that without the Speculative Building Program the project at 400 N Main Street would not be able to move forward.

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Lansing Board of Zoning Appeals Appointments: Councilmember Brungardt moved to appoint Michael Suozzo to the Lansing Board of Zoning Appeals for a three-year term that will expire on April 30, 2022. Councilmember Buehler seconded the motion. The motion was unanimously approved.

Lansing Planning Commission Appointment: Councilmember Brungardt moved to appoint Marcus Bean and Jake Kowalewski to the Lansing Planning Commission for a three-year term that will expire on April 30, 2022. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Award of Bid – Bittersweet Road and Bridge Project 18-03: Councilmember Kirby moved to approve the bid from Linaweaver Construction for the Bittersweet Bridge and Road Improvement, Project 18-03 in an amount not to exceed \$365,036.80. Councilmember Trinkle seconded the motion.

- Councilmember Pawlowski stated I think that cost more than the original bridge did.
 - Mayor Smith replied Andi, you might be right.
 - Councilmember Kirby replied quick Jeff before you say it's not my fault.
 - Public Works Director Jeff Rupp responded well I think there was a few line items that made the increase go over the engineers estimate. One that was the most individual item is that there was a testing in their planning document. That's \$11,000 by itself.
 - Councilmember Pawlowski asked soil testing you mean.
 - Public Works Director Jeff Rupp asked pardon me.
 - Councilmember Pawlowski repeated soil testing.
 - Public Works Director Jeff Rupp responded well concrete mostly but you know soils too. So, there's individual items that are like \$4,000, \$2,000 like curb and gutter. The slab was about \$2,000 more. Pavement

marking was about \$2,000 more, rip rap was about \$8000 more than what was in their planning estimate. There was some mobilization increases and some removal of some existing structures. When you add up each one of those little line items, it's what made the increase.

- Councilmember Garvey stated \$31,000 for mobilization. His office is less than 2 miles from the project.
- Councilmember Kirby replied it's not where his office is, it's where the equipment is at.
- Public Works Director Jeff Rupp stated some of that might be sub-mobilization.
- Mayor Smith replied where it comes from. Anything else?

The motion was unanimously approved.

Ordinance No. 1021 – Unified Development Ordinance Adoption: Councilmember Pawlowski moved to adopt Ordinance No. 1021 with conditions as follows: 1) Article 1 General Provisions, Section 1.04 Administration, Sub-section B-1 Membership: Replace the term Mayor with Governing Body in the following sentence: All members of the Lansing Planning Commission, in the sole discretion of the Mayor, may be residents of the City. 2) Article 9 Definitions, Building Inspector Definition: Replace the word Mayor with City Administrator in the following definition: Building Inspector: The person or persons authorized and empowered by the Mayor to administer the requirements of these zoning regulations. 3) Article 9 Definitions. Omit the Dwelling for the Elderly and/or Handicapped and the Foster Home definitions. Councilmember Kirby seconded the motion.

- Councilmember Pawlowski stated I met with Matt and most of my questions, he answered. Some of them we couldn't read because I did it with a highlighter on the airplane and I'm still not quite sure what I wrote. But there are a couple of things I think we should change. And I hope between Matt and me, we can work them out. I asked him specifically about Article 1 General Provisions. Since Tony's not here this is kind of for him, I know he would have asked about it. Talks about two memberships, two members may reside outside of the city limits but within three miles of corporate city limits. We had had the discussion amongst us about just doing the one mile for.
 - Community & Economic Development Director Matthew Schmitz replied Urban Growth Management area.
 - Councilmember Pawlowski responded remember we talked about shrinking it down to one-mile but Matt found, well you tell them what you found.
 - Community & Economic Development Director Matthew Schmitz replied so there is a state statute that says if you propose zoning requirements outside of your city limits that you have to have two members from that three-mile area on the Planning Commission.
 - Councilmember Pawlowski stated so if we do that Urban Growth area outside of our city limits we're going to have to add a member, another member from the County in order to enforce the Unified
 - Community & Economic Development Director Matthew Schmitz responded correct, that's my interpretation of the state statute at this point.
 - Councilmember Pawlowski stated so, on the next page if you guys want to follow along, page 1-10, the document reads that all members of the Lansing Planning Commission at sole discretion of the Mayor, we need to change that to governing body. So that is one change. Then I asked Matt

why it was that way and he said because they took it from old documents.

- Community & Economic Development Director Matthew Schmitz replied right so the old zoning ordinance that is the way it was written.
 - Councilmember Pawlowski stated right and then same thing in Land Development Articles and Definitions. Under building inspector.
 - Councilmember Garvey asked what page, 9-2.
 - Councilmember Pawlowski replied 9-2. Person or persons authorized powered by the Mayor is how it reads but we need to put in City Administrator because Tim is in charge of staff. And then also, in 9-3, I asked a couple of questions about some of these definitions for dwellings and the person who did this, the contractor said we could omit a couple of these. I'd asked about dwelling for the elderly and handicapped because a lot of places have elderly over 55 and in here it's 62 and they said because, you explain.
 - Community & Economic Development Director Matthew Schmitz responded so this definition as well as the other definition which I believe was for foster homes, neither one of those are used in the UDO. They're leftover definitions that were brought over from the previous documents but since they are not used in the Uniformed Development Ordinance they don't have to be in there. So, if it's something that causes concern to this body, you can strike them and we can just remove them as part of the adoption.
 - Councilmember Pawlowski stated so those would be my, I guess there is four changes. The other things I asked him about was back in Manufactures 9-6, Manufactured Home, Manufactured Lot Mobile Home and we discovered that a little house.
 - Community & Economic Development Director Matthew Schmitz stated tiny home.
 - Councilmember Pawlowski responded tiny home is a mobile home.
 - Community & Economic Development Director Matthew Schmitz replied yeah that's the way it reads.
- Councilmember Pawlowski responded right and a manufactured home is off site built, brought to the location and set on a permanent foundation like Jayhawk Subdivision when Lonnie started doing those years and years ago. Some of those houses over there are manufactured off site and brought to the current site. I just wanted to tell you that so that you knew. So, I guess do I need to tell you what the changes are.
 - City Clerk Sarah Bodensteiner replied let me tell you what I have. I need the section that you want to change.
 - Councilmember Pawlowski asked the first one.
 - City Clerk Sarah Bodensteiner responded the Mayor to the governing body.
 - Councilmember Pawlowski replied the first one was page 1-9 under B. Planning Commission. The first line on the second, on page 1-10 I'm sorry.
 - City Clerk Sarah Bodensteiner stated then I have Section 9-2 for the building inspector you want to change that

statement to City Administrator. And I have 9-3 under Dwellings, you want to omit the dwelling for the elderly and handicapped. That's all of them.

- Community & Economic Development Director Matthew Schmitz responded and the foster home definition.
 - City Clerk Sarah Bodensteiner replied and foster home definition.
 - Councilmember Pawlowski responded so yeah, the first one was changing it to governing body. You got that right.
 - City Clerk Sarah Bodensteiner replied yes.
- Councilmember Pawlowski stated because that is how we roll. He has to be so impressed that I read this.
 - Councilmember Kirby I don't know how many trees you killed for that.
- Community & Economic Development Director Matthew Schmitz responded one other thing that we talked about when you and I talked this afternoon too was I put in the memo for this that there are some minor modifications that will need to be made to the Comprehensive Plan. There's also some modifications that would need to be looked at with technical specifications because the UDO and the tech specs aren't completely in agreement right now. So, some of that is going to have to be worked through. That being said, I know Jeff and Matt both reviewed the UDO when we went through the process. I don't think they have any objections to it. I don't know if Matt wants to speak to that or not.
 - Councilmember Pawlowski asked you're good.
 - Councilmember Brungardt asked you're good. Matt, ok.
- Community & Economic Development Director Matthew Schmitz replied we'll work through those minor things as we move forward afterwards.
- Councilmember Pawlowski asked did anybody have any comments.
 - Councilmember Garvey asked because we can make any changes we want to.
 - Councilmember Brungardt asked we good.
 - Public Works Director Jeff Rupp responded we've got some things we can work through. I mean I think by large if a new plat came in we'd be able to use our subdivision regulations but there are some things that are not conducive and we'll figure those out.
 - Councilmember Pawlowski stated so for the public, our old stuff is going away.
 - Community & Economic Development Director Matthew Schmitz asked define old stuff.
 - Councilmember Pawlowski replied well, not us. The UDO is replacing the MSOD.
 - Community & Economic Development Director Matthew Schmitz responded yeah so, the Uniformed Development Ordinance replaces the zoning regulations, the subdivision regulations and the Main Street Overlay District. It encompasses all three of those into one document.
 - Councilmember Brungardt replied which makes so much more sense.

- Councilmember Kirby replied well the argument at the time which I agreed with was its not going to connect to anything.
 - Community & Economic Development Director Matthew Schmitz stated right.
 - Councilmember Kirby stated and now it looks like and I'm being told that it's on Leavenworth's map. It's on their radar.
 - Community & Economic Development Director Matthew Schmitz responded ok and we submitted the preliminary development plan to Leavenworth for their comments and we've not received anything back.
- Councilmember Brungardt asked nothing.
- Community & Economic Development Director Matthew Schmitz replied not to date, no. But once this is, this is a Preliminary Plan so once this is approved, we'll definitely reach out and make sure, I know that QuikTrip has started the process with KDOT for review of the area around there because there is a specific process that KDOT requires on that. So, they're working through that. After tonight basically, I will reach back out to Leavenworth and say ok, the Preliminary Development Plan has been approved, if you have comments, I need them now so that we can get them incorporated so they are on the final Development Plan.
 - Mayor Smith stated go ahead and introduce.
- My name is Erik Eckhart. I'm with QuikTrip Cooperation and just to kind of echo what Matt was already saying. So, since the Planning Commission went in and made a few changes to our plan already, obviously that hasn't been submitted to you guys for review but just to give you an idea of what we're looking at. Right now, we've went and modified the plan slightly to dead end that sidewalk there that runs North and South along Main Street just at the intersection there right past our gas price sign and then currently there's not a sidewalk showing along Eisenhower but at the driveway that we have in place there or proposing there, our plan shows to put in the ADA ramps and the pedestrian access so if in the future there is a plan for the sidewalk, there's not a need to tear up our driveway and do some additional work trying to make things easier. Like you said, we're still working through the final details with KDOT. Not sure exactly what their requirements will be.
 - Mayor Smith responded excellent.
 - Councilmember Pawlowski asked but if we don't make you guys do it then if Leavenworth does put it in we have to do it right.
- Erik Eckhart replied yeah and we had some, Matt and I had some very brief discussions about that, I think we'll probably talk about that in some more detail. It's not something that we're opposed to doing. In our eyes, if there's not a need for it right now and it's going to end up nowhere then we would prefer not to do it. If there is a big picture plan in the future and it's going to require a sidewalk, we of course want people who are utilizing it to access our site and not walk through grass and anything there. We're definitely open to it.
 - Councilmember Pawlowski stated I wouldn't think we'd want them walking through your landscaping.
 - Erik Eckhart responded right. Maintenance is hard enough sometimes.

- Councilmember Pawlowski stated if there is nobody parked there along the front then they would walk in the asphalt part but people aren't going to walk behind the cars. They're just going to walk through the grass.
 - Erik Eckhart replied yeah and then when you get to the technical side of what the ADA requirements and all that, we're 110% committed to making sure everything is accessible and all that. So, if there is a need to do it, we'll definitely revisit that before the final plan submission even if we need to.
 - Councilmember Pawlowski asked is that something, so if we approve the preliminary plan the way it is tonight and we find out that Leavenworth is going put the sidewalk along Hallmark.
 - Community & Economic Development Director Matthew Schmitz responded we as staff at that point would say ok then we need to put a sidewalk here. That would be my, that's what I would say anyway. Especially since they are amicable in working through that.
 - Councilmember Buehler asked we're going to see this again with the final.
 - Community & Economic Development Director Matthew Schmitz stated as a final development plan, yes. That being said the governing body can also approve this with the stipulation that this sidewalk be added if that's what they want to do.
 - Mayor Smith stated I'm sure it's nothing we can't work through. Pretty excited to have you coming up in this area. Any other comments on this?
- Councilmember Pawlowski stated you guys are going to make enough off me for ice tea in a month.
 - Erik Eckhart responded we appreciate it. It's long overdue. If I could just give a quick comment.
 - Mayor Smith stated sure, absolutely.
 - Erik Eckhart stated I want to thank everybody who has been involved so far particularly Matt who's been great to work with and very responsive to everything and actually brought a few options in that we wouldn't have even looked at to the project just to help keep it moving and we're just very appreciative of him. So, again thank you.
- Councilmember Trinkle asked there's been a couple of questions. People want to know what your timeframe is. When are you going to start selling.
 - Erik Eckhart responded at this point I was telling Matt we're committed to moving this thing along as fast we can. So, we're really at the mercy of the city now. As soon as you give us a permit, we'll go out there and start tearing stuff up and get to work.
 - Councilmember Garvey asked you got a shovel in your trunk.
 - Erik Eckhart replied I can be out there tomorrow if you want to issue a permit. I mean in all seriousness, we've got the Final Development Plan to go through and our plan is to have that before even early June correct. And then pending your approval, we'll submit for building plans or permit the next day.
 - Community & Economic Development Director Matthew Schmitz stated the final development plan will come through Planning Commission in May and then it'll come through the first meeting in

June is the plan right now. That's when you guys when this body will see it again.

- Councilmember Trinkle asked once you start turning dirt, how long do you think it takes, do they usually use on a project to get it up and going.
 - Erik Eckhart responded there's different factors that go into it depending on how early we can start some of the demo work and sitework that needs to take place but it's roughly 24-28 weeks project as long as mother nature cooperates. Again, another reason why we want to get going, winter did just end but its coming quick you know in our world so we want to get going as soon as we can.
 - Councilmember Pawlowski stated afraid it's going to be in August this year.
 - Erik Eckhart replied let's hope not.
 - Councilmember Kirby stated well it's not going to be 10 years.
 - Councilmember Garvey replied crazy weather.
- Councilmember Kirby stated thank you.
- Councilmember Garvey stated appreciate it.
- Erik Eckhart responded thank you.

The motion was unanimously approved.

Conditional Use Permit Renewal Request – 212 North Main Street: Councilmember Brungardt moved to approve the conditional use permit for 212 North Main Street for a period not to exceed 5 years. Councilmember Kirby seconded the motion.

- Councilmember Trinkle asked why is that not in the, I'm alright with the bid but how come it's just not in their proper zoning is that why.
 - Councilmember Pawlowski stated here comes Matt.
 - Mayor Smith Matt responded you might as well just stay up there.
 - Community & Economic Development Director Matthew Schmitz stated I should, I'll just get a chair up here.
 - Councilmember Kirby stated grab a chair.
 - Community & Economic Development Director Matthew Schmitz replied so the code, I believe it's in the what I always refer to the municipal code but, city code, sorry. It actually specifies that a tow lot operated in the city limits requires a conditional use permit.
 - Councilmember Trinkle stated so the tow lot is the caveat. Yeah, ok. I didn't understand why it said business plat.
 - Community & Economic Development Director Matthew Schmitz replied yeah, it's in B-3 zoning but it requires because it's considered a tow lot or they operate as a tow lot as well.
 - Councilmember Garvey asked so is there anyway to fix it to where he doesn't have to keep coming back every five years.
 - Councilmember Pawlowski stated we just did the UDO, hold on.

- Community & Economic Development Director Matthew Schmitz responded I would want to look through that to see what other ramifications there are. As we've seen in the past when you up zone, maybe allowing other things to happen that weren't necessary.
- Councilmember Pawlowski stated unintended consequences.
 - Community & Economic Development Director Matthew Schmitz replied unintended consequences, exactly. So, I would want to look through that. We can certainly research that.
 - Councilmember Garvey stated I don't think they are going anywhere.
- Community & Economic Development Director Matthew Schmitz replied right.

The motion was unanimously approved.

REPORTS:

Department Heads: City Clerk Sarah Bodensteiner stated the Countywide Clean Up has begun. The County has given each resident an opportunity to take one free load to the Transfer Station between April 1, 2019 and April 1, 2020. The City is still offering assistance to elderly and disabled Lansing residents and will pick up items for them. We're excited to continue to partner with the County on this.

City Attorney: City Attorney had nothing to report.

City Engineer: City Engineer had nothing to report.

City Administrator: City Administrator Tim Vandall stated there has been in communication with Lan-Del in regards to the Saddle Ridge Estates subdivision. There has been a disagreement on what water utility will provide water to the subdivision. The City believes the subdivision should be serviced by Lan-Del and a resolution may come before the Council at a future Council Meeting.

Governing Body: Councilmember Trinkle asked if the clean up on Eisenhower cost us anything.

- Matthew Schmitz stated Waste Management came out and cleaned it up when they did their bulk pick up. The tenant must have cleaned up what they could before Waste Management got there or contracted with someone to clean it up beforehand.
 - Councilmember Trinkle stated it looks good and the neighbors are happy.

Councilmember Kirby thanked Erik, Matt, Tim and Stephanie for their work with QuikTrip and it was a long time coming.

Councilmember Pawlowski, Councilmember Garvey, Councilmember Buehler and Councilmember Studnicka echoed Councilmember Kirby's sentiments on the work done to get QuikTrip in Lansing. Councilmember Pawlowski also thanked Matt for sitting with her and answering questions and City Administrator Tim Vandall for helping.

Councilmember Garvey thanked Erik Eckhart for his comments about Matt and his professionalism. The Council loves to hear things like that.

Councilmember Buehler thanked Marcus and Jake for volunteering because the City can't operate without volunteers so thank you for your time in advance and provided a fun fact, on this day in 1887, Argonia, Kansas elected Susanna M. Salter as the first female Mayor in the United States.

Councilmember Brungardt thanked Matt for a great job and thanked Marcus and Jake for volunteering.

ADJOURNMENT:

Councilmember Studnicka moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:48 p.m.

ATTEST:

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk