

**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:**

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**OLD BUSINESS:**

**Approval of Minutes:** Councilmember Buehler moved to approve the regular meeting minutes of April 20 2017, as presented. Councilmember McNeill seconded the motion. The motion was unanimously approved.

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

**Presentation**

**COUNCIL CONSIDERATION OF AGENDA ITEMS:**

**Election of Council President:** Councilmember Trinkle moved to elect Gene Kirby as the Council President. Councilmember Brungardt seconded the motion. The motion was unanimously approved.

**Room Rental Policy and Fee Schedule:** Councilmember Pawlowski moved to approve the Room Rental Policy and Fee Schedule with an effective date of July 1, 2017. Councilmember Kirby seconded the motion.

- Councilmember Pawlowski stated good work Sarah.
  - City Clerk Sarah Bodensteiner responded it wasn't just me.

The motion was unanimously approved.

**Award of Bid – Lansing Activity Center Roof:** Councilmember Kirby moved to award the bid of the Activity Center Flat Roof replacement to Midwest Coatings, Inc., in an amount not to exceed \$31,079.87. Councilmember Pawlowski seconded the motion.

- Councilmember Garvey stated I wish our local companies could be more competitive when they bid on this stuff.
- Councilmember McNeill asked for the manufacturer's warranty it talked about there are no exclusions for damages caused by ponding water, and then I think in the one that we're recommending, MWC does not guarantee ponding water will be completely eliminated when using a tapered insulation system.
  - Parks & Recreation Director Jason Crum replied right, so two separate things there. It is a flat roof and there is only going to be a limited amount of pitch to it, so what they're saying is that the water may not run off however the warranty covers it.
    - Councilmember McNeill asked any damage by ponding water.
      - Parks & Recreation Director Jason Crum replied that is correct, the warranty covers it.

The motion was unanimously approved.

**Request to Advertise – Project 17-03: Ida Storm Water Erosion Control Project:** Councilmember Trinkle moved to authorize the Public Works Department to prepare contract documents and advertise for bids for Project 17-03: Ida Storm Water Erosion Control Project. Councilmember Garvey seconded the motion.

- Councilmember Pawlowski asked the area that you're going to be working in do we need to acquire right-of-way for that or do we already have it.
  - Public Works Director Jeff Rupp replied no we did require permanent easement and temporary easement and that has been signed by the property owner.
    - Councilmember Pawlowski asked and we didn't have to pay for that correct.
      - Public Works Director Jeff Rupp responded no.

The motion was unanimously approved.

**Request for Conditional Use Permit – 707 Holiday Drive:** Councilmember Trinkle moved to approve the Conditional Use Permit for 707 Holiday Drive.

- Councilmember Buehler asked can we discuss something before we make the motion, because I was at the meeting and I have a couple questions that will effect I think how we go with the final motion. So instead of making a motion and having to pull it back.
  - Mayor Smith stated go ahead.

Motion made by Councilmember Trinkle died due to lack of a second.

- Councilmember Buehler stated I was at the meeting and there was a lot of pros and a lot of cons, they have a four foot fence and the City Code requires a six foot fence, but the Planning Commission did not put a timeline on it.
  - City Inspector Rebecca Savidge replied but I did.
    - Councilmember Buehler stated I know you did but the Planning Commission didn't, so it didn't come to us with a timeline on it as to when they have to have the six foot fence installed by. So they have not filed a permit yet or a permit for the six foot fence.
      - City Inspector Rebecca Savidge replied correct.
        - Councilmember Buehler stated and I know I talked to them and they are waiting on the home owners association.
          - City Inspector Rebecca Savidge stated and the final approval here because there is an added expense that they wouldn't need to do if they didn't get approved.
            - Councilmember Buehler asked any your recommendation was August 31<sup>st</sup>.
              - City Inspector Rebecca Savidge replied right.
- Councilmember Buehler asked how large can the daycare grow to.
  - City Inspector Rebecca Savidge responded twelve is the maximum.
    - Councilmember Buehler stated twelve is the maximum.
      - Councilmember Pawlowski asked is that by state law.
        - City Inspector Rebecca Savidge responded the state governs the numbers and it depends on her ages, but that's the maximum you're going to anyway, correct.
          - Applicant Annie Schmalbeck replied yes. They give you two weeks after school and two weeks before school starts and then during school breaks you can have fourteen, if you have extra school aged children, but they can't be small children.
            - Councilmember Buehler stated ok, alright, those answered my questions, so thank you.
- Councilmember McNeill asked the six foot fence, is that for any daycare.
  - City Inspector Rebecca Savidge replied that is for any daycare yes.
    - Councilmember McNeill stated my question is whether we give them a conditional use permit or not, they've got to build a six foot fence.
      - City Inspector Rebecca Savidge replied right because that is a condition of the Conditional Use Permit, is the six foot fence.
        - Councilmember McNeill stated let me re-phrase that, to have a daycare business in our City and you only have six, or whatever the limit is, is it not required to have a six foot fence.
          - City Inspector Rebecca Savidge replied no, not if it is six or under.
            - Councilmember McNeill stated why do we have a six foot fence rule, I mean I don't get it.
              - City Inspector Rebecca Savidge replied that's part of the Conditional Use process in the Zoning Ordinance that it requires a six foot fence if you do more than six.
- Councilmember Pawlowski asked but if our Code requires a six foot fence, why wouldn't you make them have a six foot fence in before they had children there.
  - Councilmember McNeill replied she is saying it doesn't. You can have a daycare business without a Conditional Use Permit if you have a certain amount, and you don't have to have the six foot fence.
    - Councilmember Pawlowski stated right, but if she has more than six, our Code requires a six foot fence, and so my question is if she is going to have more than six why would we allow her to have more than six without a six foot fence, since it is part of our Code.
      - Councilmember McNeill replied we wouldn't.

- Mayor Smith asked we aren't going to are we Becky.
  - Councilmember Pawlowski stated but she's telling her she doesn't have to have it in until August 31<sup>st</sup>.
    - City Inspector Rebecca Savidge replied I thought that was a reasonable time, after she found out whether or not the Conditional Use was approved.
      - Councilmember Garvey stated and not to mention the fence companies are already backed up. I got a bid on a fence and it is six months out.
- Councilmember McNeill stated the Conditional Use Permit is for additional children on top of what you would have normally, what is that six and they are asking for twelve, am I getting that right?
  - City Inspector Rebecca Savidge replied yes.
    - Councilmember McNeill stated with six you need a four foot fence and there is no use for a Conditional Use. So until that fence is built, is that when we increase the amount of kids?
      - City Inspector Rebecca Savidge replied right, as long as she doesn't have more than six unrelated children.
- Councilmember Garvey asked so she could have six of her own kids and six daycare kids and it would be twelve.
  - City Inspector Rebecca Savidge replied technically she could, yes, but she's trying to abide by the rules.
- Councilmember McNeill stated what I'm getting at is until the six foot fence is built, she's not going to go over that limit, is what I'm asking.
  - City Inspector Rebecca Savidge replied correct.
- Applicant Annie Schmalbeck stated I just wanted to say that we're ready to get the fence and we got the okay from the HOA but in writing we haven't received that okay, and that's all we're waiting for to get the permit and the contractor is all ready to apply for the permit, we're just waiting for that written okay.
  - Councilmember Brungardt asked Annie how long do you think it will be, sounds like probably within a month or so.
    - Applicant Annie Schmalbeck replied oh yeah, I would definitely say that.

Councilmember Buehler moved to approve the Conditional Use Permit for 707 Holiday Drive with the condition that the six foot fence is installed no later than August 1, 2017. Councilmember Brungardt seconded the motion.

- Councilmember Kirby stated I want to say number one Stefanie could you tell Cindy what a great job she did on all these minutes, she provided a very clear picture of what was going on there. And I've said it before and I'll say it again that's what the Planning Commission is here for and I don't see any reason to overrule them at all.
  - Councilmember Trinkle stated I have to agree with you Mr. Kirby.
    - Councilmember Buehler stated okay I get that, but my concern is then yes she has to have a fence but if we don't put a timeline on the Conditional Use Permit then we're not...
      - Councilmember Kirby stated right, I'm not saying that, you're right.
        - Councilmember Brungardt stated nobody is arguing that point.

The motion was unanimously approved.

**Wastewater Rate Revisions:** City Administrator Tim Vandall stated this is something we mentioned off and on for the last several months. So option B keeps everything as proposed, so option B is basically what the Wastewater Rate Study says. Option C decreases the base fee increase from five dollars to three dollars, so it still would be an increase, and then it would still go up seventy-five cents per unit. I tried to outline the total costs, and this is including trash, I tried to outline the total cost for customers with two units, four units, six units, and eight units, and then we would lower the solid waste administration fee by fifty cents, so it would save people two dollars and fifty cents a month. Since the previous project came in under budget and we feel like there is a pretty good balance in the Wastewater Fund, Beth and I feel pretty confident that we'd be fine implementing the hybrid option C. Worst case scenario if we monitor the fund and there is problems with it after six months, nine months, twelve months, there is nothing that says we can't add a dollar to it in a year, if anything that would spread it out a little bit more, but I think we do feel confident about option C that we'd be able to pay all of our debt, keep options open in the future for future projects, and also slightly reduce the rate adjustment.

Councilmember Studnicka moved to direct staff to prepare and ordinance to amend Ordinance No. 956. Councilmember Trinkle seconded the motion.

- Councilmember Buehler asked what one are we amending it to.
  - Councilmember Pawlowski replied option C, because B is as it is currently in our ordinance.
    - City Administrator Tim Vandall responded yeah, B would keep it as is. Did you have a question?
      - Councilmember Pawlowski replied yes I do. We talked about this last year when we were having this discussion, and you said at the time it was before we knew how much Seven Mile Creek was going to cost, and you said at that time that we were on target with the rate study, and then we got this number in and we were saving some funds.
        - Finance Director Elizabeth Sanford replied well since then we've started the Nine Mile Project as well and that came in under the engineer's estimate.
          - Councilmember Pawlowski stated so far.
            - Finance Director Elizabeth Sanford responded yes, and I think we're forty-eight percent complete.
              - Wastewater Utility Director Tony Zell replied yes we're half-way complete.
- Councilmember Pawlowski stated so my question is with this change are we still on that scale with the PEC Estimate of what we are supposed to have in, because the last thing I want to do is put us back in the position we were in before.
  - Finance Director Elizabeth Sanford responded as long as we don't have any big change orders, which fifty percent complete, I think Tony can probably speak to that better than I can as far as the project.
    - Wastewater Utility Director Tony Zell stated so far so good, subject to change as we go.
      - Councilmember Pawlowski stated yeah we've found rock before, we know right.
        - Wastewater Utility Director Tony Zell stated we have been very fortunate, knock on wood, this project has gone real well. We haven't had to use some special trench that we were anticipating doing on the outset. I think a lot of the other savings comes from the fact that a lot of the engineering and the easements, and the acquisition was actually done out of the base budget, but those costs were included in the 2015 Rate Study as total project costs. So since we actually used cash to pay for those that further reduces really the amount of debt we had to issue.
- Councilmember Pawlowski stated but you understand what I'm saying we spent ten years trying to get this thing under control, so that's my concern, is to make sure we keep it under control because we don't want to go back to having to take money out of the General Fund.
  - Finance Director Elizabeth Sanford responded correct.
    - Councilmember Pawlowski stated no more General Fund. But you're confident like Tim said?
      - Finance Director Elizabeth Sanford replied yes and we're going to monitor this fund pretty closely because of that.
        - City Administrator Tim Vandall stated and like I said, if there is a major change order or if x, y, z happens, we'll be able to keep tabs on it and like I said if we need to add seventy-five cents in a year we can do that. There is nothing that says we can't, but like I said at the very least that would spread it out a little more.

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 Tim Vandall advised the Council that HR Director Sunshine Petrone had heard back from our Health Insurance Broker and the Health Insurance rate was further reduced by about two percent. While there is still an increase, it is less than initially discussed. He also mentioned that Base Budgets have been turned in by Department Heads and he and Finance Director Beth Sanford are plugging in numbers and awaiting numbers from the County.

**Governing Body:** Councilmember McNeill thanked the Community and Economic Development Department for their work on the Conditional Use Permit. Councilmember Brungardt reminded everyone about the Lansing Education Foundation Breakfast on Friday.

Councilmember Studnicka mentioned that Lansing DAZE is Friday and Saturday and invited all to attend.

Councilmember Trinkle echoed Councilmember Studnicka’s remarks about Lansing DAZE.

Mayor Smith reminded all to attend Lansing DAZE.

Councilmember Kirby stated he’d see whoever was getting up early for the breakfast in the morning.

Councilmember Pawlowski asked about two guys carrying a ladder that were headed towards the bridge on DeSoto Road that she saw today.

- Public Works Director Jeff Rupp replied that we will be contracting with a welding specialist to do some work on the bridge to increase the lifespan of the bridge into the next phase of the DeSoto Road Project, but they were probably out there reviewing the area, as that will begin shortly after school is out of session.

Councilmember Garvey wanted all to enjoy Lansing DAZE for those who can make it out.

Councilmember Buehler echoed the sentiments regarding Lansing DAZE and provided a fun fact, on this day in history Ernest Hemingway won the Pulitzer Prize for *The Old Man and the Sea*.

**ADJOURNMENT:** Councilmember Buehler moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:21 p.m.

**ATTEST:**

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Michael W. Smith, Mayor

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Sarah Bodensteiner, City Clerk