

**Call To Order:**

The regular meeting of the Lansing City Council was called to order by City Council President Gene Kirby at 7:00 p.m.

**Roll Call:**

City Council President called the roll and indicated which governing body members were in attendance.

**Councilmembers Present:**

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

**Councilmembers Absent:** Mayor Smith, Councilmember Garvey, and Councilmember Buehler

City Council President Gene Kirby stated that in the absence of the Mayor he will be presiding over the meeting tonight and will be voting.

**OLD BUSINESS:**

**Approval of Minutes:** Councilmember Brungardt moved to approve the regular meeting minutes of June 1 2017, as presented. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

**Audience Participation:** Councilmember Kirby called for audience participation and there was none.

**Presentation**

**COUNCIL CONSIDERATION OF AGENDA ITEMS:**

**Ordinance No. 979 – Approval of Fee Schedule:** Councilmember Pawlowski moved to adopt Ordinance No. 979. Councilmember Studnicka seconded the motion. The motion was unanimously approved.

**Award of Bid – Project 17-03: Ida Street Drainage Project:** Councilmember Pawlowski moved to accept the bid of Lexeco, Inc., of Leavenworth Kansas, in the amount of \$23,799.00 for Project 17-03: Ida Street Drainage Project. Councilmember Brungardt seconded the motion.

- Councilmember Pawlowski asked this one we didn't have the easements for, but did the owner voluntarily give us the easements for the property.
  - Public Works Director Jeff Rupp replied yes he did.
    - Councilmember Pawlowski asked so after this we'll maintain those easements so we won't have problems going back on that property in the future.
      - Public Works Director Jeff Rupp replied right.

The motion was unanimously approved.

**DeSoto Road Improvements – Land Acquisition:** Jeff Hancock with SMH Consultants stated tonight what I wanted to do was tell you where we are at in the acquisition process and tell you what the next steps are in the process and the last thing you'll need to do tonight is go through a process that is called setting just compensation, which I believe you have a motion in your agenda packets in order to do that, if not let me know and I can help you to do that, but it is just something that needs to be reflected in the minutes. The first thing I want to do is talk to you about where we are at in the process, so when I was here last time we had already met with all the property owners, or the ones that wanted to meet with us, now the appraisals have been completed and the appraiser has also met with property owners that wanted to meet with him. The review appraisals have also been completed by an independent appraiser and so we have values for the easements the need to be acquired, the right-of-way and permanent drainage easements, and the next step tonight you're doing is setting just compensation based on those appraisals and those review appraisals so that we can go ahead and make offers. It's a step that's required in the Uniform Act, that the governing body make that formal action in order to do that. I wanted to cover some of the things we've heard from property owners, some of the concerns they've had. Most if not all of these have been addressed already or they are very easily addressed with help from Jeff and PEC. One property owner was concerned about a driveway they are losing, they have a ranching operation and they need that second driveway for ingress and egress with their cattle operation. The closure of that driveway and the value of it is reflected in compensation that is being offered, that we're suggesting that's being offered to them, so we have a circulation plan with them if we develop in order for them to make that happen. Another property owner, actually several property owners had concerns about trees being removed on different properties. There are a lot of trees that will be taken down as part of this project, some are what I would call scrub trees or brush, basically they are providing privacy at this point, other trees are very large mature trees and so there is compensation for that. Some of the improvements that are being made in these proposed easements there are already private improvements that's in them, whether it be brick pavers, things like that. If those

are being removed we've had several requests, at least two that I know of, from property owners that would like the material left onsite once it's removed. One thing we will do is we will issue what is called a ninety day notice to the property owners after we close with them and provide them ninety days to basically move anything they want out of that right-of-way so that the project can happen, not everybody will do that and you as the City and the contractor has the right to just move that stuff and get rid of it. I wouldn't suggest doing that, I would suggest working with those property owners and leaving it there so they could use it or whatever they want to do with it. And so, we have those property owners' names and we can get those to Jeff so that coordination can happen. I mentioned trees, kind of something, we've ran into this only one other time but the cemetery on the north end there are some improvements on Eisenhower Road and there is some minor grading on the south side of Eisenhower Road. There's not any cemetery plots out there that are known, but the cemetery has expressed a concern that maybe there are some unmarked graves in that section. It's just minor grading that is going to happen in that area, they've agreed to probe the area to see if anything was there, basically what we're recommending is when the contractor is working in that area he use extreme caution and if something does happen to be exposed then we would deal with it at that time. Essentially the cemetery is saying this is the best way to deal with it as well, they're just unsure about what is out there.

- Councilmember Pawlowski stated I think they had some trouble, they found graves they didn't know where there or something a few years back on the other side.
  - Councilmember Kirby stated I'm sure any cemetery that old probably can't be one hundred percent sure.
    - Jeff Hancock with SMH Consultants replied that grading that's happening is minor so I'd be surprised, but just a possibility.
      - Councilmember Pawlowski stated there's that drive that goes all the way around there on that side, it probably doesn't go that far.
        - Jeff Hancock with SMH Consultants replied oh no no, not near that far. There was at least a couple of property owners, which this is also not unusual, that just question the need for the project and those types of things, that's not unusual to hear those kinds of things. One property owner was concerned about the proximity of equipment next to a pool, and also that can be something that can be addressed with the contractor during a pre-construction meeting to use caution around that area, and so that property owners issue was addressed. Again trees, we had one property owner that was concerned that the roadway improvement was going to make their driveway unnecessarily steep, we've since went back and looked and the plans do not indicate that at all, in fact they indicate the driveway is going to be less steep than it is now. Another property owner was concerned about the grade left over the top of a proposed storm sewer and whether or not they would be able to maintain that, as in mow it and those kinds of things, and we again reviewed plans and they would be able to do all of that. There is an in-home daycare along that corridor and that particular property owner was concerned about access to the daycare facility. In talking with PEC the access to each property is to be maintained throughout the duration of the project. Again, this would be one that we would want to bring to the attention of the contractor when the contractor is selected during a pre-construction meeting just so they are aware. The last comment we had was a property owner who was concerned about whether or not the project would create a drainage problem on his property. We again consulted with the engineer and in fact they are improving the drainage situation on that property, so I think it's a non-issue as well. We're not in the public input business for this particular project, but we always get those kinds of comments so we like to share them, number one so you know and number two so the property owners know we've conveyed this information to you and you're aware of it. So again I mentioned tonight the step is to set just compensation and that will be based on the appraisals and the review appraisals. After tonight's meeting, we've already prepared the offer letters, those offer letters, once the City sets just compensation tonight, go in the mail tomorrow and the property owners will get those probably on Monday, and that's when the negotiations start. So a lot of the property owners tend to accept the offer that is being made, there will be a few that will not and that's completely understandable, what we require is that they come back to us with justification to provide them more compensation than what the appraiser has discovered. It's not unusual for the appraiser not to know something about the property that the property owner does know about. When we get that information we'll share it with the

appraiser and he'll make an adjustment if he feels like he needs to and by the time we come back to you with a contract we'll have that explanation prepared and we enter into what is called a settlement agreement with that property owner. The total amount of compensation for all the drainage easement, temporary construction easement, and the permanent right-of-way that's being acquired tonight is a little less than two-hundred and fifty thousand dollars.

- Councilmember Pawlowski asked how much did we estimate that it was going to be, does anybody know.
  - City Administrator Tim Vandall replied that's pretty close to what we estimated but I don't remember the exact amount. The funds are available to do it in the capital improvement fund, and then if some of them drag on into the fall, we could use the sales tax money to pay for some too.

Councilmember Pawlowski moved to approve just compensation for the acquisition of all property required for the improvement of DeSoto Road, KDOT 52-U-2113-01, as recommended by SMH Consultants and based on appraisals and estimates of compensation prepared by the Simmons Company. Councilmember Studnicka seconded the motion. The motion was unanimously approved.

**REPORTS:**

**Department Heads:** Public Works Director Jeff Rupp advised that the mill and overlay project will begin on Monday. He also asked the Council if they would be okay with adding another street to project as the contractor has advised unless the cost of oil goes up, they would honor the same price for the additional material needed. The street in question, Karen Lane, was pulled from this year's project and will be on next years if it cannot be completed in the 2017 project. He also stated that the cost associated would still keep the total cost under the originally budgeted amount.

- The Council provided consensus that as long as they could get the agreement and terms in writing from the contractor regarding the pricing, they would be okay adding that street into the project.

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

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

**City Administrator:** City Administrator Tim Vandall stated that bids were opened by Lan-Del for the water line to Bernard Park and that the bids came back favorable. The City's portion is about forty-four thousand seven hundred dollars. He advised that staff is working on the Independence Day celebration and that parking after 7:00 p.m. at Bernard Park will cost one dollar per vehicle. Staff hopes this will encourage participants to show up early and utilize the free shuttle from the high school. Tim stated that proposals for the Sewer Project #1 are due back on June 16<sup>th</sup> and that the Planning Commission will be reviewing a 26 lot preliminary plat at their next meeting. The Parks department is preparing to have the new basketball hoops installed at the Activity Center and that the VFW was able to find a contractor to install the solar light at the memorial at no cost. Tim added that the County agreed to add the sewer sleeve and 2 inches of asphalt as add-alternates to the bid for McIntyre Road. He has not heard back from the County in regards to warranty, but will continue to follow up with that. He also advised that vehicle traffic will be monitored on McIntyre Road, so that if traffic counts rise significantly the City can look at options regarding maintenance to help prolong the life of the road. Tim finished his report by stating that the valuation for the City went up by 1.26% and the Finance Director is plugging in numbers and feels confident at keeping the Mill Levy flat, so he reminded the Council to turn in the Capital & Supplemental Ranking Sheets to Beth prior to the Work Session.

**Governing Body:** The Governing Body had nothing to report.

**ADJOURNMENT:** Councilmember McNeill moved to adjourn. Councilmember Brungardt seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:22 p.m.

**ATTEST:**

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Louis E. Kirby, City Council President

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Sarah Bodensteiner, City Clerk