

Call To Order:

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

Roll Call:

Mayor Gene Kirby called the roll and indicated which councilmembers were in attendance.

Councilmembers Present:

Ward 1: Kevin Gardner and Dave Trinkle
Ward 2: Andi Pawlowski and Don Studnicka
Ward 3: Kerry Brungardt
Ward 4: Tony McNeill

Councilmembers Absent: Jesse Garvey and Gregg Buehler

OLD BUSINESS:

Approval of Minutes: Councilmember McNeill moved to approve the regular meeting minutes of May 19, 2016, as presented. Councilmember Brungardt seconded the motion. The motion was unanimously approved.

NEW BUSINESS:

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

Presentation: Lansing High School Valedictorians: Mayor Kirby recognized the 2015-2016 Lansing High School Valedictorians Thomas Carr, Kylie Farris, and Richard Totleben.

Citizen Accommodation – Dylon Gear Silvey and Jacob Caylor: Police Chief Steve Wayman and Mayor Kirby recognized Dylon Gear Silvey and Jacob Caylor for their brave actions that prevented an aggravated robbery at Jimmy John's on April 28, 2016.

Presentation to Karen Colstrum: Library Director Terri Wojtalewicz and Mayor Kirby recognized Karen Colstrum for her years of service on the Lansing Community Library Board.

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Lansing Library Board Appointment: Councilmember Trinkle moved to appoint Karen Miller to the Lansing Library Board to fill an unexpired term ending September 30, 2017. Councilmember Studnicka seconded the motion. The motion was unanimously approved.

Replacement of Concrete Paving at Wastewater Treatment Plant: Councilmember Brungardt moved to approve the add alternate bid of \$15,382.25 from Little Joe's Asphalt, Inc. Councilmember Trinkle seconded the motion.

- Councilmember Pawlowski asked what aren't we having McAnany do it, since they are \$500.00 less.
 - Wastewater Utility Director Tony Zell replied because this is part of the CIP and part of that entire bid packet, we'd have to pay for additional mobilization and those types of things.

The motion was unanimously approved.

Gamble Road Project Reimbursement: Councilmember Studnicka moved to authorize Public Works Director to sign and submit the Kansas Department of Transportation Federal Fund Exchange Request for Reimbursement for the Gamble Road Project. Councilmember Trinkle seconded the motion. The motion was unanimously approved.

Economic Development Policy: Community and Economic Development Director Stefanie Leif stated as the Mayor announced the Council did look at this on the 28th and the draft policy was included in your packet two weeks ago just to give you a little bit of extra time to take a look at it. Our bond counsel Gilmore & Bell did look at this and made quite a few changes from the draft you saw in late January, they had us pare it down quite a bit, it was a few more extra pages when you looked at it in January. Their recommendation was there were a variety of incentives that I had detailed out in that policy and because they are governed by state statute, she felt that it was best to keep those out because they could change and the policy could become out of date when there has been a change at the state level, so because it's governed by state. The goal is to basically say what the Council is comfortable being able, wanting to talk about, and we're talking with a prospect, and it's kind of where your comfort level is. I know Mrs. Pawlowski had given me some questions and comments on the policy and I can run through those kind of quick. I know one of her questions was regarding the job bounty program and what's in there is saying that the Council would consider doing an incentive based on job creation but the minimum would be \$10.00 per hour and I don't know if any of the other Councilmembers felt like that might be a little low and we may want to go higher for that incentive. There is also some language in there, on page 2 of the policy, that there would be a greater incentive for jobs for \$15.00 per hour or more, so that's one point that might be worth chatting a little bit about. And I know some of the other questions were confirming that the Council does have the authority to review a development agreement that's been approved to

make sure that all the criteria is being met and that there would be clawbacks if something is not adhered to. I don't know if there are any other questions that you want to talk about Mrs. Pawlowski.

- Councilmember Pawlowski stated on page 3 the third line, after the first of February of each year, businesses subject to the tax my apply for revenue collected, is there a window that closes on that because it doesn't it just says after February and is it just of that particular year, I mean you wouldn't want someone coming in in March and asking for the last 5 years.
 - Community and Economic Development Director Stefanie Leif replied yeah and that's the tourism and convention promotion facilities renovation fund, so that's the hotel incentive and I don't want to put Beth on the spot
 - Finance Director Beth Sanford stated it's like a year a quarter.
- Councilmember Pawlowski stated but there is a limit on how far back they can go, and right above that I marked tourist court facilities, so that would be like a trailer park.
 - Community and Economic Development Director Stefanie Leif replied yeah, and I've gotten this from the language that was in there and I'm not exactly certain on what that is, and I can check the establishing ordinance to see what that means and it wasn't a misprint.
 - Councilmember Pawlowski stated I just saw that and thought it was interesting, I just wanted to know if there was a closing date on that.
- Mayor Kirby asked anybody else.
- Councilmember Pawlowski asked were we supposed to approve this or just talk about it.
 - Mayor Kirby stated we were just supposed to talk about it weren't we.
 - Community and Economic Development Director Stefanie Leif stated yeah, I did not add a specific action because I wasn't sure if there would be further changes to this, so we can bring this back at the next meeting, or if you are comfortable with it as is.
- Mayor Kirby stated with this tourist court facilities can we find out for sure what that is.
- Councilmember Gardner stated what about that 10 to 15 per hour.
 - Councilmember Pawlowski stated I mean how do you guys feel about that.
- Councilmember McNeill stated there's also this recommendation on the back page so, you listed them, are there any on there that you think we need to incorporate, I've seen that list but I'm not sure.
 - Community and Economic Development Director Stefanie Leif stated a few of these are really, all of this is a case by case basis when a project does come in, so some of these can be cut more closely when a project is in front of you and if you feel that is the intent of a policy.
 - Councilmember McNeill stated I thought there was a comment in there on what you want to target and we tend to struggle with that all the time, I need a LCDC all the time because they want to bring industry, big box stuff in and we really only have room for retail, more or less, some commercial, so I think that is something we need to do as a council is kind of decide which way we want to go and build a policy that actually gets us to that direction. Leaving it so open, we know we're not going to get a huge industrial park with giant buildings, we should just be happy in our skin and just go with what we think we can target effectively and bring more businesses in, so maybe that should be, in my view, a work session at some point where we can sit down and iron out a strategic plan like you're talking.
- Community and Economic Development Director Stefanie Leif asked do you have any feedback on the job bounty program, on the amount, do you think \$10.00 is an ok starting point or, do you think that would be, I mean I think you can leave it in as an ok starting point but if you're thinking no way that I'd be ok giving \$1,000.00 per job if the jobs coming in are \$10.00 per job. If you're thinking no way, then it would be better than to raise it in the policy now, so if this is something you would consider given a variety of different parameters for the project we can leave that in.
 - Councilmember McNeill stated did it also say that it was for new businesses coming in, right, or expanding business, right.
 - Community and Economic Development Director Stefanie Leif replied yes.
 - Councilmember McNeill stated but it was kind of a catch all. It seemed like it had to be 10 or more if someone is coming in or expanding.
 - Community and Economic Development Director Stefanie Leif replied yeah, it is.
 - Councilmember McNeill stated for me it should probably be less employees if you are expanding. If I expand my 20 man operation by 5 or 10, I've increased it by 66% or whatever, so I mean, why are we not having a different plan for people who want to expand their current business, where we could give them something that's less than 10 because 10 seems high to me.
 - Mayor Kirby stated for an expansion.
 - Councilmember Pawlowski stated oh yeah.

- Community and Economic Development Director Stefanie Leif stated you are correct because right now it is written that it doesn't matter whether it is expansion or existing or new, so we should definitely add some language in there.
 - Councilmember McNeill stated unless some of our current businesses may want to expand by less than 10 and we would like to help them.
 - Councilmember Pawlowski stated but you're asking about the \$10.00 per hour.
 - Councilmember McNeill stated yes, but that is another part of that.
- Councilmember Pawlowski stated I was just thinking that we may want to incentivize more than \$10.00 per hour.
 - Councilmember Brungardt stated I agree.
- Councilmember Gardner stated what's a good number?
 - Mayor Kirby stated anybody got a number.
 - Councilmember Pawlowski replied 12 or 15, I don't know.
- Councilmember McNeill stated you could increase the incentive based on if they are going over 10 at a certain point.
 - Community and Economic Development Director Stefanie Leif stated kind of like a threshold if its x number than this.
 - Councilmember McNeill stated yeah at 10 we do this and if you bring in 15 than we do this.
 - Councilmember Trinkle stated 10 or more.
- Mayor Kirby asked are you going to work on it a little more Stefanie.
 - Councilmember Gardner asked can you do that.
 - Community and Economic Development Director Stefanie Leif replied yeah, I'll put together some numbers and I may do something like Leavenworth County the average wage maybe something on that and at least that would be kind of a base starting point.
- Mayor Kirby stated you'll work on this a little bit more and then we'll have a study session on it.
- Councilmember Pawlowski stated I do like it Stefanie, I do think it's a really good program.
 - Councilmember McNeill stated it's much better than our current policy.
- Mayor Kirby stated why don't you come up with something and get it to us and we'll go from there.
- Community and Economic Development Director Stefanie Leif asked do you want to have a work session on it or do you want it at the next meeting.
 - Mayor Kirby stated no, put something together and get it out to us.

No action was taken.

West Mary Street Slope Failure: Councilmember Brungardt moved to approve 1/3 of the cost of slope restoration on West Mary Street, not to exceed \$30,000.00. Councilmember Pawlowski seconded the motion.

- Councilmember Studnicka asked who's taking the lead on getting it fixed, are we in charge, is the school, is the water department?
 - City Administrator Tim Vandall replied Lan-Del would oversee it and we would pay them. I believe Lan-Del's attorney is here.
- Councilmember Studnicka stated ok, so they are going to take the lead, so now what happens, it goes out for bids and all that stuff?
 - City Administrator Tim Vandall replied I think they had put it out for bids locally to try to get some figures.
- Councilmember Studnicka stated what kind of timeline are we looking at, it's been 10 months since it started and it's just getting worse.
 - City Administrator Tim Vandall replied I think they had spoken about putting it out pretty quick and doing it on an accelerated timeline, so I don't know if we're talking 6 weeks, you can answer that question if you want.
 - Attorney for Lan-Del David Van Parys stated I appreciate your time but also want to thank your staff for the consideration and time they've provided on addressing this issue. It's a mutual problem, it was a natural condition; I drive on 20th Street in the City of Leavenworth daily and I see lumps coming down the hill, we just need to get it fixed. The City has a significant investment in West Mary Street, Lan-Del has a significant investment in that water line, which provides not only service but valuable fire protection and obviously we've got the school. The concept that we've discussed is that it is a mutual problem that is mutually solved. I know the suggestion is a \$30,000.00 limit, my thought was I worked with your counsel, I've worked with Greg in the past and I find him very easy to work with, he's very competent. Because this is an emergency basis we can expedite the bidding process and get

it fixed. The Lan-Del board, I do have authority to discuss, offer that; as far as who would actually be the primary signatory, if I could offer this suggestion, it might be best for all parties, both the USD, City, and Lan-Del to be contractual partners in this, because that way each of us would have the ability in the event that the repair did not work to seek, if necessary, separate remedies. The devil's in the details on this and we can get this worked out we need to get this thing fixed.

- Councilmember Trinkle asked have a representative from each municipality.
 - Attorney for Lan-Del David Van Parys replied Councilmember Trinkle absolutely.
 - Councilmember Trinkle stated Tim for us, and whoever your board goes with and the school district.
- Attorney for Lan-Del David Van Parys stated it's a mutual problem and the same people are going to pay for it we just need to get it fixed. I'd like to suggest if we have consent, if this Council were to have a consensus to proceed on that basis, I'll work with Greg, I'll work with the school district, the three of us will get it moving, and I think there are statutory mechanisms under Kansas law based upon an emergency basis where we can put this out for bid on an expedited basis and get it fixed.
 - Councilmember Studnicka stated ok fair enough, thank you.
- Councilmember Pawlowski asked do we need a motion.
 - Councilmember Studnicka stated we already have one and a second on the floor.
- Councilmember McNeill stated when we talked last about this you said when they put in the school, the road was there, so they cut into there.
 - City Engineer Matt Harding replied it was a cut on the North side on West Mary, yes. There was some fill on West Mary when they actually built West Mary that extended to the North that what the school built cut through that fill.
 - Councilmember McNeill stated so they cut through the fill, that's where the fill came from in the study.
 - City Engineer Matt Harding replied yes.
 - Councilmember McNeill stated so it wasn't cut and then filled by the school to make the slope.
 - City Engineer Matt Harding replied no.
 - Councilmember McNeill stated because I was confused about that piece of it.
 - Councilmember Trinkle asked was the water line shut down while this process was going on or are they still charged.
 - City Administrator Tim Vandall replied it's shut down.
 - Attorney for Lan-Del David Van Parys replied Councilmember Trinkle it's been shut down since November.
 - Councilmember Trinkle asked for precaution, precautionary is that why.
 - Attorney for Lan-Del David Van Parys stated well we certainly didn't want to add to the problem, the line had been compromised and we'd like to get it back up, because again, it really serves fire protection.

The motion was unanimously approved.

LCF Wastewater Services 30 Day Extension: Councilmember Pawlowski moved to approve the Wastewater Utility Rate 30 Day extension with LCF, as presented. Councilmember Gardner seconded the motion.

- Councilmember McNeill asked is this going to take us to the decision point or are we going to do 1 month extensions for another year so they keep the same rate.
 - City Administrator Tim Vandall replied that's a good thing to bring up, this week I've been trying to contact them to see if we can all get together. I offered a contingent from Lansing to go to Topeka or for all of the people from Topeka to come here, because there does seem to be a disconnect and it seems that every time I try to bring this topic up they refer me to someone else, I've spoken to five different people on this contract. The last I heard, and this was a couple of days ago, they said they wanted the new warden to be involved, but he doesn't start until June 20th. The earliest they are able to meet with us is June 23rd, which is after our second council meeting.
- Councilmember Brungardt stated at what point do we say enough is enough.
- Councilmember McNeill stated if we don't have a contract can we shut it off, what does the contract say.
 - City Attorney Greg Robinson stated the rates just revert
 - City Administrator Tim Vandall stated without the contract I guess it would just go to market rate. The recommendation here is to grant the 30 day extension, hear out the new warden

and hear what he has to say, as I'm not sure what authority he has, because I thought we had the previous contract worked out with the previous warden.

- Councilmember McNeill stated but you already have the authority to do contracts right, we already voted on the increase.
 - City Administrator Tim Vandall replied and that could be something to that I wanted to clarify with you guys at the next meeting. In general, if you guys are ok with what we've spoken about with inflation included on there with a five or six year contract, if you guys are ok just authorizing Gene to do that, after the meeting with the warden if they are ok with it.
- Councilmember McNeill stated if the warden gets here on the 20th and we can do it before the 30th well then.
- Mayor Kirby stated he's right, he talks to somebody and they send him to somebody else, and they send him to somebody else, and it's just...
- Councilmember McNeill stated if we're waiting for the new warden and you can do it in the 10 days by the time he hits the deck, you wouldn't have to come back because our council meeting, we wouldn't have time.
 - City Administrator Tim Vandall replied so if on the 16th if you guys say we're ok as long as there is CPI in there, we're ok with Gene signing off on that, I don't think we'd have to bring it back to you guys hoping there wouldn't be another 30 day extension, but I have no idea about how the next meeting is going to go.
- Councilmember McNeill stated we're towards the 16th and we'll go from there. What Kerry did you want to be a part of the negotiations?
 - Councilmember Brungardt stated I'd like to part of the negotiations because these people are jacking with us and I'm just tired of it.

The motion was unanimously approved.

REPORTS:

City Attorney: City Attorney had nothing to report.

City Engineer: City Engineer has nothing to report.

City Administrator: City Administrator Tim Vandall mentioned the city golf tournament on Friday, June 2nd so if you can attend, please do.

Governing Body: Councilmember Gardner congratulated the valedictorians, new library board member and thanked Matt and Tony for working on the slope issue and parking lot repair, and he thanked the citizens who helped prevent the robbery at Jimmy John's

Councilmember Pawlowski thanked Karen for her time on the library board.

Councilmember McNeill thanked the heroes who helped stop a robbery and congratulated the valedictorians and volunteers.

ADJOURNMENT: Councilmember McNeill moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:32p.m.

ATTEST:

Louis E. Kirby, Mayor

Sarah Bodensteiner, City Clerk