

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: Jesse Garvey

Ward 4: Tony McNeill and Gregg Buehler

Councilmembers Absent: Kerry Brungardt

OLD BUSINESS:

Consent Calendar: Councilmember Buehler moved to approve the regular meeting minutes of November 5, 2015. Councilmember Studnicka seconded the motion. The motion was unanimously approved.

NEW BUSINESS:

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

Presentation

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Request to Modify Facilities Use Agreement, Rock Creek Ridge, 4th Plat: Councilmember Buehler moved to approve the request to modify the Facilities Use Agreement for Rock Creek Ridge, 4th Plat, to remove the trail system behind the homes and collect \$19,200.00 in park fees. Councilmember Pawlowski seconded the motion.

- Councilmember Studnicka stated why, because “I don’t want a trail behind my house”, is that where we’re going with or what.
 - Councilmember Buehler replied because he asked if we could waive the trail, the trail went in a minimal area there. Part of the reason we waived the park fees was because he was going to put the trail in, there is still going to be a sidewalk which will in many areas connect to the trail system.
 - Councilmember Studnicka stated this one will not, according to the map, when I looked at the map.
 - Councilmember Pawlowski stated I walked over there and it does.
- Councilmember Studnicka stated our trail system will connect with his front 5’ sidewalk that he’s got there.
 - Councilmember Pawlowski replied yes.
 - City Administrator Tim Vandall stated there is a 5 foot sidewalk that will connect to that front sidewalk almost no matter what, but that rear trail would connect to an existing trail.
 - Councilmember Gardner asked the rear trail or are you talking about the sidewalk.
 - City Administrator Tim Vandall replied the rear trail that would be in the back, or not be in the back, depending on what you guys do, that would end up connected to another piece of the trail system.
 - Councilmember Gardner replied but the 5 foot sidewalk is going to connect.
 - City Administrator Tim Vandal replied yes, that will connect to another 5 foot sidewalk.
 - Councilmember Pawlowski stated that runs into the trail system.
 - City Administrator Tim Vandall replied yes, there is a picture of that and I think it’s kind of a bluish house.
 - Councilmember McNeill stated the original request from Mr. Reilly was that they do not build the trail in the back anyway and that they put an 8 foot sidewalk in the front, so I mean, we’re coming back and still waive the park fee, so in that discussion the last time we talked about this was we didn’t want to the waive the park fee. If you weren’t going to put the trail in the back then give us the park fee and build your sidewalk in the front; that’s what we agreed to, that’s what this says.
 - Councilmember Garvey stated but I think you’re going to go back to a standard sidewalk if you collect the park fees.
 - Councilmember Buehler stated it’s a sidewalk, a sidewalk is going to be there whether it is 5 feet or 8 feet, it’s going to be there. The \$19,200.00 is money we can use to help develop the parks, for example water at Bernard Park, which has always been one of our priorities, we now have money in the parks fund where we can possibly use that to make some of those priority park adjustments.

- Mayor Kirby stated this sidewalk has been there from the get go, from the time that this land was platted.
- Public Work Director John Young replied the plan for this trail behind the houses was in the original master trail plan, it was in the updated trail plan when you just finished the updated comprehensive plan. It connects to a trail that was built as part of Rock Creek Estates, 2nd Plat, with the knowledge that this was going to go forward through here, and while it would temporarily connect back to the sidewalk, the plan is for it to connect, eventually, to more trail that goes to 147th street when the Ryan property develops.
 - Councilmember Pawlowski stated but it doesn't hook up to the Ryan property.
 - Public Work Director John Young replied at this moment, because they wanted to connect it to a sidewalk.
 - Councilmember Pawlowski stated but in order for it to connect to the Ryan property it has to go over the creek.
 - Public Work Director John Young replied no, it stays on the South side of the creek.
 - Councilmember Pawlowski stated but those properties are developed already.
 - Public Work Director John Young replied no, the Ryan property is not developed.
 - Councilmember Pawlowski stated but it doesn't butt up against the Ryan property
 - Public Work Director John Young replied the Plat does and Tract C that this trail is in butts up against the Ryan property.
 - Councilmember Pawlowski stated but then you have to cross the creek.
 - Public Work Director John Young replied no, it stays on the South side of the range.
- Mayor Kirby stated let's just say it's waived, this back trail, is the City obligated at some point in the future to put it in.
 - Public Work Director John Young responded if the Ryan property is developed and that developer builds their section of the trail, this would be a gap, and I'm sure that somebody would ask the City to fill that gap. You're not going to do it for \$19,200.00, that's less than half of what the contractor bid to build this trail on this current contract that Reilly has.
 - Mayor Kirby stated so we could be obligated depending on the Ryan property.
 - Public Work Director John Young replied yes, depending on what happens in the future, what future councils want to do.
- Councilmember Pawlowski stated this trail currently goes behind those houses connects back up with the sidewalk and so if you're walking on it, you leave the trail, go down the trail, you come back, you go back up on the sidewalk. They are accessing the property from MG's property, which borders here, and then there's two other properties other here, so depending on how Ryan's property is developed, you can draw the trail at any place anywhere, it will hook up down on Willow with their sidewalk, but putting this trail in is not necessary for any other part of our trail system.
 - Mayor Kirby stated I just want to be sure that in 10 years or 15 years when the Ryan property, if and when, somebody comes back and says "hey you should've put the trail in and you didn't".
 - Public Work Director John Young stated you'll be stuck with a 5 foot sidewalk and not a trail.
 - Mayor Kirby stated I just want to be sure everybody knows what could happen down the road.
 - Councilmember Buehler stated I have no issue with it. If we want to have him put the trail in, I'm ok, I'll withdraw my motion.
- Councilmember McNeill stated let's go over the choices. If this decision then makes Reilly responsible for what he said was going to be quite an expensive endeavor, way more than what he thought.
 - Councilmember Buehler stated way more than the \$48,000.00 that he projected.
 - Councilmember McNeill stated right. We had a lot of folks on his side for even waiving the park fee and not even having to put that in and just putting the 8 foot sidewalk in the front. Dave, I know you were kind of in favor.
- Councilmember Trinkle asked if they develop the Ryan property, down the road, Gilman road comes through there, correct. And until we do something with Gilman that could sit there; I mean, would we connect the trail from Ryan's property over or are we going to the closest place to hook the trail which would be down where Andi's talking.

- Public Work Director John Young replied well again your transportation plan, in your comprehensive plan, shows a route from Gilman would be North of this drainage. The trail South of this drainage that goes up through there, and the whole idea, the reason Gilman hasn't been built is the Council some years ago decided to wait and let that happen, let that developer build it when it happened, when they develop it. It would be the same thing with that piece of the trail as it would be with Gilman Road. That's something in the future that your comprehensive plan shows, that doesn't necessarily mean it's going to happen, we can't tell you what time frame, and we don't know what future councils are going to do. But that's what we just went through the whole exercise for the comprehensive plan; in those parts where the transportation plan which included Gilman, and the trail plan which includes this piece of trail.
 - Councilmember Trinkle stated if you're looking at it from 2 connection points, I'm to understand there's 2 possible places we could hook the property up to the trails, correct.
 - Public Work Director John Young asked which property are you talking about.
 - Councilmember Trinkle stated Rock Creek would go across, down by Willow and hook into the Ryan property, is that what I'm to understand.
 - Public Work Director John Young replied right now there is an existing trail piece in Rock Creek Estates 2nd Plat that this would hook to. One end of that butts up against a City property; we've got a primitive trail across it, and the City has not done any improvements on it, but there is a primitive trail there, it hooks to Willow and goes across the drainage. That trail is on the North side of that drainage and that crosses over, it goes behind 5 houses on Willow and beside 2 houses, so there's like 7 houses that that is behind. That was put in before the houses; those were not the last houses to go into that subdivision. This trail, if it is built like it is supposed to be built according to the plan, would continue across the Ryan property on the South side of that same drainage all the way to 147th street. That is if the plan is followed.
 - Councilmember Trinkle asked where would it go from 147, would it go in front of the Ryan property, down to over here, the other housing area.
 - Public Work Director John Young replied yes, it would intersect with a trail along 147th street that's on the master plan.
 - Councilmember Trinkle stated so we'd have to get Gilman in and 147th. And we'd have to get Ryan's property developed.
 - Public Work Director John Young stated and that's the whole reason we do these plans, so you can plan ahead and not miss out on building the pieces on our way to get there.
 - Councilmember Gardner stated the \$48,000.00 that was originally budgeted for, you're saying now it's going to cost a lot more than that, is that what Reilly was saying.
 - Public Work Director John Young stated it appears that they left out, the designer or Reilly's, left out some stabilization. For instance, the Angel Falls Villas Trail, they built the North part of the Angel Falls Trail, they spent \$111,000.00 there, \$27,000.00 of that was for stabilization. They had that included in their bid. They spread that \$111,000.00 over 24 lots and we're talking about 42 or so. It looks like we didn't know what the designer had in mind at the time, apparently the contractor thinks that it's, even though he bid \$48,000.00, he believes it's not enough, I guess; that's my understanding of it anyway.
 - Councilmember McNeill stated it sounds to me like your recommendation is to basically continue to have them build the trail, but that wasn't the first recommendation.
 - Public Work Director John Young stated if I were to make a recommendation I would say yes, that's what's been the idea all along. It was still good in Reilly's, in this developers, opinion when they turned in the plans and signed the Facilities Use Agreement and put up the Bond to guarantee it would be done. There could be something in between; I guess as a business person sitting in your shoes, I wouldn't give it up for \$19,200.00.
 - Councilmember Buehler stated they were willing to give it for nothing 2 weeks ago.
 - Public Work Director John Young replied you guys are the ones making the policy, I have no vote.
 - Councilmember Pawlowski asked was Mr. Reilly invited to come to the meeting tonight. Was Mike invited to come to the meeting tonight?
 - City Administrator Tim Vandall replied he was the one who submitted the request and I told him I would put it on the agenda.

- Councilmember Gardner stated if that trail is put in how long does it sit there before people are able to use it, or how long before it connects up with something else where people can actually use it. Do we have to wait for the Ryan property to be developed before people use it?
 - Public Work Director John Young responded no, the way they designed it, actually, instead of just dead ending it, they showed that connection back to the sidewalk system, so as soon as those houses are built on that side of the street, there will be an actual loop that you can make there. Eventually that would just be something that had a connection, but it would go on across the property on over to Ryan's. That was the whole plan, and that's the reason they put it there, so it just wouldn't be a dead end.
- Councilmember Gardner asked so either way there won't be a dead end there whether they use the sidewalk or whether they use the trail.
 - Public Work Director John Young replied right. The way it's shown now, if they build it, the way it's shown on the plans that you guys approved, yes, you could do a loop there.
 - Councilmember Pawlowski stated if you walk on the sidewalk you can walk to 147th street too.
 - Councilmember Gardner replied that's what I'm saying, you can do it either way.
 - Councilmember Pawlowski interjected you can do that now.
 - Councilmember Gardner stated the car traffic and foot traffic, there would be no car traffic if there was a trail.
 - Public Work Director John Young stated and in fact as soon as a few more homes are built in the 3rd phase, there will be an 8 foot connection all the way over to the intersection with the high school, but it will all be in front.
 - Councilmember Garvey asked how far would it be from the sidewalk to the trail if we put in the trail, distance wise.
 - Public Work Director John Young asked where they run parallel.
 - Councilmember Garvey replied yes.
 - Councilmember Pawlowski stated 1 lot.
 - Public Work Director John Young replied it would be whatever the depth of those lots are plus about half of the depth of Tract C.
 - Councilmember Pawlowski stated part of the problem that Mike brought to us was in 3 places along there the grade is such that they have to run it right up along the property line. And that's his concern. Did we ever, Gregg, did you ever find out do we, who is responsible for the up-keep of the trail according to the Facilities Use Agreement.
 - City Attorney Greg Robinson replied if it goes in the back and in reading the documents, is that the home owners association would take care of that. If it goes in front and it's a sidewalk it becomes the property owner's responsibility to clear snow and also pay for any concrete that could be damaged over the years.
 - Councilmember Pawlowski stated so the existing trail that is behind those houses on Willow that's cracked and stuff, the home owners association is supposed to be repairing that now.
 - City Attorney Greg Robinson replied I can't speak to that, I haven't look at those documents; but my understanding is if it's the same proposal as this one, which it was explained to me that it is the same proposal that was used in this one, that would be yes.
 - Public Work Director John Young stated that's similar to Wyndham Hills trail. The home owners association, the same developer put that in, and they've been taking care of the portion on their property, on the home owner's association property, since it was put in.
 - Mayor Kirby stated we have a motion to approve the request to modify the Facilities Use Agreement for Rock Creek Ridge, 4th Plat, to remove the trail system behind the homes and collect \$19,200.00 in park fees.
 - Councilmember Pawlowski asked can we designate that \$19,200.00 specifically to the water line.
 - City Administrator Tim Vandall replied that would be done during budget time.
 - Mayor Kirby stated we have a motion, it's been seconded, we've had discussion.

The motion was approved, with Councilmembers Studnicka, Gardner, and McNeill voting against the motion.

Replacement of Pull-Type Rotary Mower: Councilmember McNeill moved to approve the bid of Heritage Tractor for a John Deere MX8 pull-type rotary mower in the amount of \$6,770.00 from fund 80, Equipment Reserve, 80-010-43301 (\$10,230.00 less than the amount set aside). Councilmember Studnicka seconded the motion.

- Councilmember Pawlowski stated it says we got a bid for 1 thing and then we're adding \$1,124.00 because it's the best value for the City over the long term. I know nothing about mowers, so my question is how long will this last, and what do we consider the long term.
 - Councilmember Gardner asked the life expectancy of it.
 - Councilmember Pawlowski replied yeah.
 - Public Works Director John Young stated we would expect it to last between 10 and 15 years. We would expect the John Deere mower to last considerably longer than the other, just because of the type of construction and because of experiences we've had with it. I'm confident that it will, and so is the Street Division, that it will last longer than any of the other items.
 - Councilmember Gardner stated I am confident that John Deere puts out the best equipment, I know that.
- Public Works Director John Young replied it has a different construction of the deck, and if you look at the picture of the old one in there you see what happens to them; it is much stronger and is also they designed that deck in a curved shape, a domed shape, which adds additional strength to it and also helps to shed the chaff off it and stuff; it's just a better design.
 - Councilmember Gardner stated you say it will last 10 to 15 years, what would you guess before you have to start making any repairs on it.
 - Public Works Director John Young replied we'll run this probably 8 years before anything unless you hit something.
 - Mayor Kirby stated these are guesses, you don't know how you're going to use it.
 - Public Works Director John Young stated we'll replace the blades, there will be minor things, you'll have hydraulic leaks from time to time, but you don't get into the trip box or anything really major for 10 to 15 years.
- Councilmember Trinkle asked is there an extended warranty or anything with this.
 - Public Works Director John Young stated no, they don't do extended warranties because too many people take them out and run them over boulders.
 - Councilmember Trinkle replied what are they going to warranty for us?
 - Street Division Superintendent Jeff Focht replied the standard warranty is for 1 year and the gear box is 5, and that's on all of them.
 - Public Works Director John Young stated that's across the board, doesn't matter which one you buy, that's about the same.
- Mayor Kirby stated that's a standard warranty and I will vouch for John Deere having strong decks, they do build a better deck.
 - Street Division Superintendent Jeff Focht stated we've had the one now we've had for 11 years.
- Councilmember Garvey asked the tractor that you use for this unit, do you use that tractor for other things besides just the mower or is it exclusively for the mower.
 - Street Division Superintendent Jeff Focht replied the mower and the Kubota tractor goes for different things.
 - Councilmember Garvey stated so you disconnect the mower and go use it for other things.

The motion was unanimously approved.

2015 Wastewater Rate Study: Councilmember Pawlowski moved to approve Ordinance No. 956: An Ordinance Adopting the Financial Plan and User Charge Rate Schedule for Residential and Commercial Customers in the City of Lansing, County of Leavenworth, State of Kansas. Councilmember Gardner seconded the motion.

- City Administrator Tim Vandall stated we'd spoken a little bit at the work session about doing this from 2016 to 2019 and then in 2019 re-evaluating. The way the ordinance is written it does have it until 2020, so I don't know if we want to add that into the motion from 2016 until 2019 then we remove the 2020.

Councilmember Gardner withdrew his second.

Councilmember Pawlowski withdrew her motion.

- Councilmember Gardner asked does it have to be done tonight or do we put it in the ordinance and vote again.
 - City Administrator Tim Vandall replied we'd be able to do it tonight as long as we just state approval from 2016 to 2019.

Councilmember Pawlowski moved to approve Ordinance No. 956: Adopting the Financial Plan and User Charge Rate Schedule for Residential and Commercial Customers for the Sewer bills through 2019. Councilmember Gardner seconded the motion.

- Councilmember Studnicka asked Tony, clarify for me, based on our work session and everything, we're basing the Lansing Correctional Facility will chip in how many thousands of dollars, what was budgeted.
 - Wastewater Utility Director Tony Zell replied we are budgeting for them to pay a flat rate of \$56,000.00 per month.

The motion was unanimously approved.

Appointment to the Leavenworth County Fire District No. 1 Joint Board: Councilmember Pawlowski moved to appoint Tony McNeill, Jesse Garvey, and Mayor Gene Kirby to the Leavenworth County Fire District No. 1 Joint Board. Councilmember Buehler seconded the motion.

- Councilmember Pawlowski stated I'd like to nominate Tony and Jesse to be on the Fire Board.
 - Mayor Kirby stated you have to be able to make this meeting.
 - Councilmember Buehler asked when is the meeting.
 - Councilmember Pawlowski replied December 14th.
 - Mayor Kirby replied December 14, 2015 and it's at night. This isn't one of those things where you go "oh jeez I forgot I can't be there that night. Dave and Don have done it for a number of years and I haven't heard them say they don't want to do it again, but it's the council's discretion.
- Councilmember McNeill stated the motion isn't to pick 2, it's to allow the Mayor and 2.
 - Councilmember Pawlowski stated I'm making the motion to nominate Tony and Jesse to go and be our Fire Board Representatives.
 - Mayor Kirby stated this says and I'm going to read what it says here a motion to appoint Gene Kirby and 2 Councilmembers to the Joint Fire District Board when they will meet, ok.
- Councilmember McNeill replied we're just making a motion to appoint Mayor Gene Kirby and 2 councilmembers.
 - Councilmember Pawlowski stated you need to nominate 2 people.
 - City Attorney Greg Robinson stated the council is basically picking, the Mayor is part of it, but you need 2 council people to go to this meeting for this joint Leavenworth Fire District Board of Trustees, who then meet as its own entity, because they serve in lieu of the Board of County Commissioners, then that board meets solely to elect the vacancy positions for the Fire Board.
 - Councilmember Buehler asked so the 2 councilmembers are voted by name.
 - City Attorney Greg Robinson replied yes, by you folks here.
- Councilmember Gardner stated the way I read it is that it is volunteer; after the Mayor whoever is interested in it or do we have to appoint somebody.
 - City Clerk Sarah Bodensteiner stated you have to appoint 2 people by name.
 - Councilmember Gardner stated I guess I read it wrong.
- Councilmember Pawlowski stated and they appoint; we interview the candidates, then select them, and then they go and vote as our representatives. It's the craziest thing but that's how the legislature drew it up. I made the motion to appoint Tony and Jesse to be our representatives for the Fire Board with Gene.
- Councilmember Gardner asked are you guys interested in it.
 - Councilmember Garvey replied yeah.
 - Councilmember McNeill stated I'll do it if nobody else wants it.
 - Councilmember Pawlowski stated you're our council president so you should go.
 - Councilmember McNeill replied ok Andi.
- Councilmember Studnicka asked what are we voting on. Re-stated the motion.
 - City Clerk Sarah Bodensteiner replied the motion is to appoint Mayor Kirby, Tony McNeill and Jesse Garvey to represent the City on the Leavenworth County Fire District No. 1 Joint Board.

The motion was unanimously approved.

REPORTS:

City Attorney: City Attorney had nothing to report.

City Engineer: City Engineer had nothing to report.

City Administrator: City Administrator Tim Vandall mentioned the Legislative Breakfast on December 9th at June's Cottage and to let him know if anyone was attending as they do need a head count. The Rcuts on the highway have been discussed with the County and they are looking at grants for the Rcuts project and the McIntyre Road project. If grant funds are available a possible joint meeting of the County Commissioners and City Council will be scheduled for further discussion. Financing options for the 9 mile sewer have begun between using the state revolving fund or GO Bonds/Temp Notes. The savings associated with the state revolving fund would potentially be less and involve more

staff time versus financing through GO Bonds/Temp notes. The question was raised about paying GO Bonds off early and it was confirmed that we could indeed call the bonds early.

Governing Body: Councilmember Studnicka commented on a job well done by Museum Site Supervisor for the Jazz event hosted at the Museum. He stated it was a wonderful event. Councilmember Trinkle stated that the Council needs to have a study session and review the criteria and guidelines for how the Council will determine if park fees should or should not be waived. He also stated there are several other trail related items that are in the pipeline and the Council needs to have a set procedure on how to handle these things and what to request or have the developer provide in the future. Mayor Kirby stated that we all knew what was expected in regards to the trail and waiving the park fees since that was what was proposed by the developer. If errors were present that is on them not the Council. Councilmember Pawlowski seconded Councilmember Trinkle’s remarks about having a study session to talk about parks and trails to work these items out and come up with a policy to work from. Councilmember Garvey echoed Councilmember Trinkle and Councilmember Pawlowski’s remarks regarding figuring out how to handle these requests in the future so that everyone is on the same page and holding people accountable. He also wished everyone a happy Thanksgiving. Councilmember Buehler wished everyone a happy Thanksgiving and stated a fun fact in history “On this day in 1863, President Abraham Lincoln delivered the Gettysburg Address at the dedication ceremony for the military cemetery in Gettysburg, Pennsylvania”. Councilmember McNeill wished everyone a happy holiday.

ADJOURNMENT: Councilmember McNeill moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:40 p.m.

ATTEST:

Louis E. Kirby, Mayor

Sarah Bodensteiner, City Clerk