
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: Kerry Brungardt and Jesse Garvey
Ward 4: Tony McNeill and Gregg Buehler

Councilmembers Absent:

OLD BUSINESS:

Approval of Minutes: Councilmember Studnicka moved to approve the regular meeting minutes of November 1, 2018, as presented. Councilmember McNeill seconded the motion. The motion was approved with Councilmember Brungardt abstaining from the vote.

Audience Participation: Mayor Smith called for audience participation and no one came forward. Mayor Smith asked Councilmember Studnicka to read a proclamation regarding statements made by Leavenworth County Commission Chairman Louis Klemp.

The proclamation has been included as Exhibit A.

- Councilmember Kirby stated when I became Mayor, I became involved in some functions for the Mayor's Christmas Tree, picnic for the Police Department, and the Klemp family was very generous in donating to those causes; however, that being said, what Mr. Klemp said the other night is unacceptable, and as I have watched Mr. Klemp in meetings over the last few years and months, Mr. Klemp has also called for doing what's best for the County. And I think in the interest of moving forward, that it is time that he resign.
- Councilmember Trinkle stated I will abstain from this proposed action as I am an employee of the Klemp Corporation.
- Mayor Smith stated I'd like to get a motion to approve this please.

Councilmember Brungardt moved to approve the Proclamation as presented. Councilmember Pawlowski seconded the motion. The motion was approved, with Councilmember Trinkle abstaining from the vote.

Presentations

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Reservation for Street De-Icing Salt: Councilmember Kirby moved to approve the bid of Salt Company of Kanapolis, Kansas for street de-icing salt at the delivered united price of \$53.68/ton and authorize the Public Works Department to purchase salt as needed. Councilmember McNeill seconded the motion.

- Councilmember Trinkle asked did the price of it go up any from last year.
 - Mayor Smith stated we got Jeff here.
 - Public Works Director Jeff Rupp replied no sir, it didn't go up.
 - Councilmember Trinkle asked they been staying about the same every year. You haven't had any problems getting what we needed.
 - Public Works Director Jeff Rupp replied it's about a 48-hour turnaround on salt. As of right now, we're full.

The motion was unanimously approved.

Amendment to Existing Conditional Use Permit – 1151/1153/1155 Industrial Terrace:

Councilmember Buehler moved to amend the conditional use permit as requested for the Leavenworth County Humane Society located in the Lansing Business Center. Councilmember McNeill seconded the motion.

- Councilmember Pawlowski asked so they just want to do the dog park part first. And what happens if they never build the building?
 - Councilmember Buehler stated then we have a dog park.
 - City Inspector Rebecca Savidge stated the conditional use permit comes back up in 5 years.
 - Councilmember Pawlowski asked it's going to be fenced off so they can't get out.
 - City Inspector Rebecca Savidge stated yes.
 - Councilmember Pawlowski asked so they are going to transport the dogs from the current facility to the park and back again.
 - City Inspector Rebecca Savidge responded yes, and it's going to give them a place to have fundraisers and those kind of things.
 - Mayor Smith asked you want to address this Crystal.
 - Councilmember Kirby stated let's talk to the top dog here.
- Leavenworth County Humane Society Executive Director Crystal Swann Blackdeer stated thank you for not barking at me as one County Commissioner often does. The idea is to move forward and do what we can right now which is we have funding available to be able to put the dog play yard in. We'll be able to take the dogs over there, let them have exercise, they'll become more adoptable by being able to work out some energy and we'll also be able to hold events there. Because the idea is to have the picnic shelter, have power and water. So, there will be restroom facilities and ways that we can do lots of different kinds of events. So, it will move us forward and that is what we are looking for, is a way to move forward.
 - Councilmember Garvey asked will this be open to the public or just you guys. Because the VA one is open to the public, right.
 - Leavenworth County Humane Society Executive Director Crystal Swann Blackdeer responded yes. Well we'll have to talk with the City about whether or not we'll be able to open to the public but for right now, it's on private property and we're covering all the insurance. So, we're definitely open to that possibility.

The motion was unanimously approved.

- City Attorney Greg Robinson asked can I make one comment. I just want to make sure something wasn't misleading here. What you just approved is not for an additional 5 years from today. It's for the existing, so when it's due, they'll be back. I just wanted to make sure there wasn't, thought you were approving 5 more years.
 - Mayor Smith responded thank you Greg.

Ordinance No. 1012 – City Code Text Amendment Chapter 4: Councilmember Buehler moved to adopt Ordinance No. 1012, as presented. Councilmember Garvey seconded the motion.

- Councilmember McNeill stated I had some, I already talked to Matt. I mean the way I read this thing, you can have a wire or a wood fence that's like the, I mean we know we have vinyl fences, we know you got wrought iron fences out there. My recommendation is to just say that the height whatever we have to say for height then the materials used to build the fence will be submitted with the permit. And then that allows our folks to go no you can't put up a bamboo makeshift fence that's 5ft high or whatever it is.

- Councilmember Pawlowski stated but it needs to be secure.
 - Community & Economic Development Director Matthew Schmitz replied it still says that.
 - Councilmember Pawlowski stated I mean, you can't have a field fence or one of those yellow.
 - Councilmember Garvey stated a snow fence.
 - Councilmember Pawlowski responded yeah, snow fence that is what I was thinking.
 - Community & Economic Development Director Matthew Schmitz replied the language in there says it may be wood or wire. The way I have always been told to interpret anytime a code says it may be something and not one word 'maybe' but two 'may' and then 'be' is that means that it's open to some interpretation. If it said it shall be wood or wire then those would be the only two materials allowed. So, the way I read it is since it says it may be either of those two, it could be those two or it could be something else. And it goes on to explain further details about wood fences and wire fences. So, I think that's why I think it was originally written that way. I'm not opposed to changing it. That's just how I interpret it.
 - Councilmember McNeill responded yeah, I mean so that is one interpretation.
 - Councilmember Trinkle stated you don't want someone to put up a 6ft picket fence. It needs to be a secure fence right.
 - Community & Economic Development Director Matthew Schmitz responded it has to be secure, yes, especially if it's going around a pool. Absolutely.
 - Councilmember Trinkle replied where kids can crawl through.
 - Community & Economic Development Director Matthew Schmitz stated right and I think as staff, I think we're fully cognizant and aware of that. We want to make sure it's a safety; that's the whole point of doing it. It's got to be safe.
 - Councilmember Trinkle replied I mean, now's the time to be sure its there just in case down the road someone says it doesn't say in there, picket fence or whatever. Ok.
- Councilmember Pawlowski asked so this gets rid of the interpretation that a 3ft pool wall and a 2ft fence on a top of it equals 5ft. We're not doing that anymore.
 - Community & Economic Development Director Matthew Schmitz replied that is correct.
 - Councilmember Pawlowski stated that is what I wanted. The rest of it, you guys can have. I wanted that one. Ok.
- Community & Economic Development Director Matthew Schmitz stated one of the things that Councilman McNeill and I talked about earlier too in an email was this body could also approve it and say that it is approved with the condition that those fences types be added to the list of approved fence types.
 - Councilmember McNeill stated I mean I know just on our block, in our neighborhood alone there's a pool that has the big vinyl fence around it. Well that's not wood or wire
 - Councilmember Pawlowski asked is that as secure. I don't know anything about vinyl.
 - Councilmember McNeill replied it is secure.

- Councilmember Buehler responded it's solid.
 - Councilmember McNeill stated the fence posts hold those vinyl fences in there.
 - Community & Economic Development Director Matthew Schmitz replied when vinyl fences are built the way they were intended to be built, yes, they are just as secure as wood or wire fence.
 - Councilmember McNeill stated and I think there are some wrought iron ones too.
- Councilmember Garvey asked I guess preexisting fences that don't meet this requirement will have to do upgrades. Correct? Or are they grandfathered in?
 - City Attorney Greg Robinson stated only if they came back in, like if it got blown down, come in for a new permit or something like that.
 - Councilmember Garvey stated if a Code Enforcement Officer seen it, you know, maybe knocked on the door and said.
 - Community & Economic Development Director Matthew Schmitz replied we're not going to go around the city to everybody who has a 4ft chainlink fence that may have a pool with a 2ft fence above it and say you can't do that anymore. Now you've got to have a 5ft fence.
 - Mayor Smith stated from this day forth.
 - Community & Economic Development Director Matthew Schmitz responded from this day forward, any new permits that come in would have to meet this regulation.
- Councilmember Trinkle responded I want to understand what Andi, what if they got, we talked about where they have a deck off of it and then they come up.
 - Councilmember Buehler stated doesn't count anymore.
 - Community & Economic Development Director Matthew Schmitz replied that doesn't count anymore.
 - Councilmember Trinkle asked you still have to have 6ft on the backside of the deck is what you're saying.
 - Community & Economic Development Director Matthew Schmitz responded you'd have to have a 5ft fence somewhere outside of the pool.
 - Councilmember Trinkle replied outside of the pool. So, the pool perimeter has to be enclosed by a 5ft fence.
- Councilmember Pawlowski asked so are we going to add what Tony wanted to change or are we going to leave it.
 - Councilmember Buehler asked we have a motion already.
 - City Administrator Tim Vandall stated there is a motion and a second on the floor.
 - Councilmember McNeill stated I mean of like materials, it just sounds. The way I read it, I don't know how you guys read it but it sounds like it's either wire or wood which that's not true anyway.
 - Community & Economic Development Director Matthew Schmitz stated Greg you want to weigh in on the terminology.
 - City Attorney Greg Robinson responded unless someone has a different interpretation of wire I can certainly see where you're coming from with your interpretation of that. And sometimes if you can take out misleading, well I wouldn't say misleading but if you take out vague or the areas that would cause questions to be asked. If you can solve that by amending it as you see fit or you know if there's expansion you think wood, wire or vinyl. You know or even put in some kind of discretionary materials are approved by city staff or something towards that effect.

Because there might be some new materials in the future that aren't covered by those either.

- Councilmember McNeill responded yeah that was the other option to say, do the specs and then say the materials will be approved by the staff during the permitting process
 - Councilmember Buehler stated so it would say something like may be wood, wire or materials approved by the city staff. That works for me.
 - Community & Economic Development Director Matthew Schmitz stated we can do that.
 - City Attorney Greg Robinson replied but I would, if we're going to do something like that I would probably suggest because we already have an example of vinyl you might as well say I think PVC vinyl Becky, then you can already go ahead categorize that to add and then that way it's in there. And that way it covers that material.
 - Councilmember Pawlowski stated well I think somebody else also said wrought iron or something.
 - Councilmember McNeill asked doesn't the pool. In the Ridges, what is around that?
 - Councilmember Buehler responded it's wrought iron.
 - Councilmember Pawlowski replied it's wrought iron.
 - Councilmember McNeill stated I mean, we have a pool already in the city that is wrought iron.
 - Councilmember Trinkle asked if you go wrought iron, what describes where they can't get through it.
- Councilmember Pawlowski stated 4 inches.
 - Community & Economic Development Director Matthew Schmitz responded 4 inch spacing.
 - Councilmember Trinkle asked I mean is that in the Ordinance.
 - Councilmember Buehler stated it's in the Ordinance, it says spacing no greater than 3 inches in width.
 - Councilmember Pawlowski responded it's in there.
 - Community & Economic Development Director Matthew Schmitz stated, and it says that for wire fencing if memory serves.
- Mayor Smith asked ok, do we want to withdraw that motion and add.
 - City Administrator Tim Vandall stated so Councilman Buehler would have to withdraw his second.
 - Councilmember Buehler replied I withdraw my second.
 - City Administrator Tim Vandall stated, and Councilman McNeill would withdraw his motion.
 - Community & Economic Development Director Matthew Schmitz asked who made the motion originally.
 - City Administrator Tim Vandall asked and then what would the new motion be.
 - Councilmember Buehler stated City Councilman McNeill has to withdraw his.
 - Councilmember McNeill replied I think yours.

- Councilmember Buehler responded I withdrew my second.
 - Councilmember McNeill stated I remove my second.
 - Councilmember Garvey replied he did, he withdrew the second.
- Councilmember McNeill stated ok I withdraw my motion that I didn't make that Gregg made.

Councilmember Buehler withdrew his second.
Councilmember McNeill withdrew the motion.

- Councilmember Pawlowski ok so Tony make the motion.

Councilmember McNeill moved to add to Ordinance No. 1012, vinyl and wrought iron to that and any other materials approved by the city staff and then to adopt Ordinance No. 1012. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Final Plat - Saddle Ridge Estates, 1st Plat Revised: Councilmember Trinkle moved to accept the public dedications of the final plat for Saddle Ridge Estates, 1st Plat. Councilmember Kirby seconded the motion.

- Councilmember Studnicka asked it's just for the first thirteen lots. Is that correct?
 - Councilmember Pawlowski stated Matt's happy. Matt's happy.
 - City Engineer Matt Harding replied yes.
 - Community & Economic Development Director Matthew Schmitz responded yes, it's the final plat for the first phase which will be thirteen homes.
- Councilmember Buehler stated but the traffic study is for 148.
 - Community & Economic Development Director Matthew Schmitz replied the traffic study examined full build out and found there was no deficiency in even a full build out.
 - Mayor Smith stated it was good to have that done.

The motion was unanimously approved.

Executive Session – Acquisition of Real Estate: Councilmember Brungardt moved to recess into executive session for the consultation with an attorney for the City which would be deemed privileged in an attorney-client relationship. K.S.A. 75-4319(b)(6) for 20 minutes, beginning at 7:20 PM and returning to the Council Chambers at 7:40 PM. Councilmember Kirby seconded the motion. The motion was unanimously approved.

Councilmember Kirby moved to return to Open Session at 7:40 PM. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

REPORTS:

Department Heads: Lansing Community Library Director Terri Wotjalewicz read an email from Mike McDonald congratulating the library on receiving accreditation as a Service Center 2 library. He acknowledged the hard work the library staff, Library Board, Friends of the Library, City staff and City Council has put in, to make it a great community anchor.

City Attorney: City Attorney had nothing to report

City Engineer: City Engineer had nothing to report

City Administrator: City Administrator Tim Vandall has invited a representative from Waste Management/Deffenbaugh to a future Council meeting to discuss the worldwide recycling issues and how it relates to Lansing, and he will try to attend the December 6th meeting. Any questions can be addressed to Deffenbaugh at that time. A Request for Qualifications will be coming up for the Parks & Recreation Department regarding improvements to Bernard Park and supplements to the other parks, but it would not include a pool. City Administrator Tim Vandall asked if two Councilmembers were interested in reviewing the

qualifications submitted by firms. Mayor Smith and Councilmember Pawlowski offered to participate. The Industrial Building Spec Program has changed in that Industrial Projects have priority but Commercial and Retail are now available. That helps us since our area of Industrial is part of the Neighborhood Revitalization Program. Any sales tax the building generates would speed up our return on investment.

Governing Body: Councilmember Garvey congratulated the library.

Councilmember Buehler echoed Councilmember Garvey’s sentiments, and provided a fun fact, on this day in 1867, the very first stock ticker debuted making up to the minute prices available for investors in the New York City Stock Exchange.

Councilmember McNeill wished everyone a Happy Thanksgiving.

Councilmember Brungardt congratulated Terri and the library on its achievement.

Councilmember Studnicka echoed Councilmember Brungardt’s statement and wished everyone Happy Thanksgiving.

Councilmember Trinkle wished everyone a Happy Thanksgiving.

Councilmember Kirby asked if the Lansing Historical Society now has the Museum.

- City Administrator Tim Vandall stated nothing has been signed to date. It is possible they may not be happy with a statement in the agreement that the building comes ‘as is’. That is speculation since the Historical Society nor the attorney is communicating with the City.
 - Councilmember Pawlowski asked if the Council can vote to abandon the building. The first agreement states if the City abandons the museum, the Historical Society automatically gets it.
 - City Attorney Greg Robinson suggested leaving the agreement open until the next meeting but also the Council needs to decide what the next step is if the agreement is not signed by the December 6th meeting.

Councilmember Pawlowski welcomed Vicky Kaaz back to a Council meeting and congratulated her on winning the election. The City looks forward to working with her.

ADJOURNMENT:

Councilmember Pawlowski moved to adjourn. Councilmember Garvey seconded the motion. The motion was unanimously approved. The meeting was adjourned at 8:04 p.m.

ATTEST:

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk

Exhibit A



City of Lansing
800 First Terrace
Lansing, Kansas 66043

Proclamation

WHEREAS: On the 13 day of November, 2018, the Board of Leavenworth County Commissioners conducted a regularly scheduled planning meeting at which individuals, to include an African-American woman, appeared and made presentations to the Leavenworth County Commission; and

WHEREAS: During this regularly scheduled Board of Leavenworth County Commissioners meeting, Commissioner Louis Klemp directed degrading language that could be considered steeped in racial stereotype towards an African-American female attendee.

WHEREAS: Commissioner Louis Klemp’s divisive comments are unacceptable to the City of Lansing and its citizens who are also residents of Leavenworth County, Kansas.

WHEREAS: Commissioner Louis Klemp’s comments are unacceptable, exhibit an extreme lack of professional judgment, and simply are not representative of the values we hold as Leavenworth County, Kansas residents, as citizens of Lansing, and as Americans; and

WHEREAS: The City of Lansing strongly condemns Leavenworth County Commissioner Klemp’s statements, which will forever be preserved on the world wide web which is an embarrassment to this City and County and further undermines the values and freedoms of our society; and

WHEREAS: The City of Lansing cannot stand silent and turn a blind eye to such poor conduct from any person, least of all, a person holding one of the three highest elected positions in Leavenworth County government; and

WHEREAS: To begin the healing process for all of Leavenworth County, Kansas and to bring this matter to a just closure to such outrageous conduct, the City of Lansing hereby demands the immediate resignation of Leavenworth County Commissioner Louis Klemp from the Board of Leavenworth County Commissioners; and

WHEREAS: Our demand for the immediate resignation of Leavenworth County Commissioner Louis Klemp by the City of Lansing affirms our commitment to uphold equality for all members of our society and wholly believes in the importance of acceptance and inclusion regardless of race, sex, religion, color, national origin, age, ancestry, disability; and

NOW, THEREFORE, I, Michael W. Smith, Mayor of the City of Lansing, Kansas, do hereby request the City Council’s support in requesting the immediate resignation of Leavenworth County Commissioner Louis Klemp for egregious and outrageous conduct steeped in racism and bigotry while acting in the capacity of a county official.

In witness thereof, I have hereunto set my hand and caused the great seal of the City of Lansing to be affixed to this the 15th day of November, in the year of Two Thousand and Eighteen.

City of Lansing

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk