
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:

OLD BUSINESS:

Approval of Minutes: Councilmember Buehler moved to approve the regular meeting minutes of August 16, 2018, as presented. Councilmember Garvey seconded the motion. The motion was unanimously approved.

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

Presentation: United Way Months Proclamation: Councilmember Gregg Buehler read and presented the United Way Months Proclamation to United Way of Leavenworth County Executive Director Wendell Maddox.

- Mr. Maddox thanked the governing body for their continued support and working toward solving problems for citizens of Leavenworth County.

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Sewer Tap Fee Waiver Request – Leavenworth County Fire District No. 1: Councilmember McNeill moved to approve the Sewer Tap Fee Waiver Request by Leavenworth County Fire District No. 1. Councilmember Studnicka seconded the motion. The motion was approved with Councilmembers Brungardt, Kirby and Pawlowski voting against the motion.

Conditional Use Permit – 1004 Industrial Terrace: Councilmember Brungardt moved to approve a Conditional Use Permit for 1004 Industrial Terrace. Councilmember McNeill seconded the motion.

- Councilmember Kirby asked are we approving.
 - Councilmember Studnicka stated motion to approve.
 - Mayor Smith stated motion to approve.
 - Councilmember Brungardt replied motion to approve, that's what Mike said.
 - Councilmember Garvey stated no, he gave you three motions.
 - Mayor Smith stated I gave you three. I thought you said motion to approve Kerry.
 - Councilmember Brungardt responded I'm sorry.
 - Mayor Smith asked is that what you said Kerry.
 - Councilmember Brungardt replied yes, it is to approve.
 - Councilmember Buehler stated I do have one question. Is the concern of the water, I mean is that a significant concern by Leavenworth, the City of Leavenworth because they're required to do the water testing with this business or is this just something they're concerned about all the time, anytime anything goes in there.
 - Community & Economic Development Director Matthew Schmitz replied the second option.
 - Councilmember Garvey asked because of the old landfill.
 - Community & Economic Development Director Matthew Schmitz replied yes.

- Councilmember Buehler stated ok, you answered my question. Thank you.
- Councilmember Pawlowski stated Matt, I have a question. This company, I noticed they have some cars that are parked at the old nursery.
 - Community & Economic Development Director Matthew Schmitz responded correct.
 - Councilmember Pawlowski asked are they renting that place too?
 - Community & Economic Development Director Matthew Schmitz stated I believe so right now until they get the building built.
 - Councilmember Pawlowski responded oh so they are just renting it temporarily.
 - Community & Economic Development Director Matthew Schmitz stated yes, correct.
 - Councilmember Pawlowski replied alright, just curious. Thank you.

The motion was unanimously approved.

Ordinance No. 1007 – Rezone Request 1101 &1103 Industrial Street, and 1152 Industrial Terrace: Councilmember Kirby moved to approve Ordinance No. 1007 as presented. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Final Development Plan – Fairway Estates 5th Plat: Councilmember Buehler moved to approve Final Development Plan at Fairway Estates 5th Plat. Councilmember Garvey seconded the motion.

- Councilmember Pawlowski asked except for Pebble Beach not being a collector street, right, because we've already had that discussion. Does this meet all our other requirements?
 - Community & Economic Development Director Matthew Schmitz stated yes.
- Councilmember Pawlowski stated I'd heard there are some questions to when they were going to start this. Have you heard anything?
 - Community & Economic Development Director Matthew Schmitz stated the developer has made no indication that he doesn't intend to start the project.
 - Councilmember Pawlowski replied but initially he said he was going to start it this fall.
 - Community & Economic Development Director Matthew Schmitz replied that was the initial, yes.
- Councilmember Garvey asked and they're still talking using the benefit district part of that thing we discussed?
 - Community & Economic Development Director Matthew Schmitz stated we haven't received anything yet. That is something that if they decided to do the benefit district as we talked about during the work session, the property owner will have to present, and have to petition the City for that. So, if that happens, we'll bring it forward to the Council for their consideration.

The motion was unanimously approved.

Final Plat – Saddle Ridge Estates 1st Plat: Councilmember Trinkle moved to approve Final Plat at Saddle Ridge Estates 1st Plat. Councilmember Garvey seconded the motion.

- Councilmember Buehler asked Tony, or Matt. Both of you. So, the letter by Mr. Henly where he is concerned about the traffic going in and out of that area. Has a traffic study been done, does a traffic study need to be done?
 - Community & Economic Development Director Matthew Schmitz asked you don't want to take that one.
 - Wastewater Utility Director Tony Zell stated I'm sewer.
 - Councilmember Buehler stated sewer is coming up.
 - Community & Economic Development Director Matthew Schmitz responded with the initial thirteen lots that are there, we didn't

feel a traffic study was necessary. With that being said, the next plat that comes depending on the size of that, we would advocate at that point or require a traffic study when that happens.

- Councilmember Buehler stated ok, so you feel with the 13, if he just leaves it at 13 and never builds anymore that is ok.
 - Community & Economic Development Director Matthew Schmitz stated right.
 - Councilmember Buehler replied but as soon as he builds more.
 - Community & Economic Development Director Matthew Schmitz stated correct. That was staff's opinion, yes.
- Councilmember McNeill asked ok so, who's actually responsible for looking at the code and saying whether it's needed. Is there a code checklist when they go through these plats, Tim?
 - City Administrator Tim Vandall responded there is a checklist at the Planning Commission level.
 - Councilmember McNeill stated I looked up the code and its Section 14-1102. It says, traffic impact data and studies, all resident developments of 11 or more homes or lots have to have a traffic analysis done on them. So, I drove that road before we came here tonight to just kind of look at it. There's like twenty driveways feeding into that before you can get to the school. And those are all back out or you backed in, one of the two right, to that driveway. The street itself is 22 feet wide. Is that pretty close, 22 or 23 and I guess the feeder streets to it are 60. I mean, so, that road hasn't been improved for, I don't even know when the last time it was improved. I mean, this is a first part of a development evidently, are they trying to develop on the other side too? We've done all this infrastructure work out this way. I mean we've been, our plan, Tony. And we've done a lot of improvements. We start popping up all these little developments on the other side. We got to run sewer out there.
 - Wastewater Utility Director Tony Zell responded sewer is already there.
 - Councilmember McNeill asked is it capable of handling.
 - Wastewater Utility Director Tony Zell replied the sewer that is there currently, can handle this 13 lots as it's going to be built. However, talking with their engineer, our engineer and the developer, its foolish to put in an aerial crossing to tie them into an existing sewer when as everything develops further upstream as well as that development continues to develop, we then have to go under the creek and make it deeper because you've got to go larger. So, the decisions was made to do that project now so that it's done, we're ready and it's good to go.
 - Councilmember Pawlowski stated I forget what the number is on how much we think. Because the sewer is behind Hillbrook, right?
 - Wastewater Utility Director Tony Zell stated that's correct.
 - Councilmember Pawlowski asked that's where the main is. So, you have to go East along Mary Street or however it falls to tie in that area.

- Wastewater Utility Director Tony Zell stated so we will go from where the 9 mile project stopped, we'll go South. We're actually on LCF property. We'll go basically due South to the West side of the bridge where there is a man hole currently. We're going to reconnect to that sewer but in doing so, we're going to go about 12 feet deeper with a larger pipe. And then the Saddle Ridge development will tie into that location with a creek crossing vs an aerial crossing.
 - Councilmember Pawlowski asked and do you have an estimate on how much that is going to be.
 - Wastewater Utility Director Tony Zell responded I do not off the top of my head. I can get that to you though.
 - Councilmember Pawlowski stated I just didn't know if you had any.
 - Councilmember Garvey responded ballpark.
 - Councilmember Pawlowski asked 150,000.
 - Wastewater Utility Director Tony Zell replied nah, probably half a million.
 - Councilmember Pawlowski stated ok, sorry, old habits die hard, right?
 - Wastewater Utility Director Tony Zell responded right.
 - Councilmember Pawlowski asked ok, who else.
 - Councilmember Buehler asked do we have any idea. My concern is we're doing all this planning based on 13 houses and if that's all the City is ever going to put in there and that's all the Council is going to let be put in there, that's one thing. But if he's planning on building more which I think pretty much everybody in here realizes he's going to build more. Then why are we planning based on this initial plat. Why don't we get an idea of what he wants to build and do it now, and fix it now instead of waiting until after these initial 13 homes are built and now all of a sudden the road can't handle the 27 more homes he wants to put back in there.
 - Wastewater Utility Director Tony Zell stated I think as in respect to the sewer that's exactly what we're trying to do.
 - Councilmember Buehler stated right, I understand that.
 - Wastewater Utility Director Tony Zell stated we're even looking upstream through that property and we're actually having another engineer analyze other properties further upstream from it to make sure we appropriately size those pipes to handle ultimate development.
 - Councilmember Buehler responded ok, and I get that. I guess my concern is with the traffic also.
 - Councilmember McNeill stated I'm concerned about the roads. If the entrance, and I can't match it up because I didn't have my GPS locator on when I was looking at the map, but if it's where you used to come in at the one dirt road is where they're planning on putting the main road, come in and then the back side, I don't know where they're coming with the second road on the in and out. But I backed into that road and then started to come out and that rise, I mean I don't even know what the sight distance is but it's pretty darn close so if someone is coming 35 mph and you pull out there.
 - Community & Economic Development Director Matthew Schmitz asked are you talking about the entrance to Lost 80 there that's on the West entrance, the bottom.
 - Councilmember McNeill stated yes.
 - Community & Economic Development Director Matthew Schmitz responded so, Matt do you remember specifically where those entrances were at in relation to the existing pond. One of them, the East entrance

into the subdivision is maybe half or three quarters of the way up that pond towards the East further up the hill.

[Inaudible remarks]

- Community & Economic Development Director Matthew Schmitz stated 148 is the number of the total build out of the entire subdivision. And all those homes would approach or access Mary through the two roads that are going to be built with this initial 13.

 - Councilmember Studnicka that was my concern I brought up a month ago when we talked about this at a study session. Was you're going to have too much traffic trying to access East Mary or Stranger Road out there with the sight distances. I mean the road needs to be improved either to a three lane or a center turn lane or coming out of that housing area there needs to be a right turn or something. And nothings been planned for that I can see for now or in the future. That's been my concern is the traffic and the congestion. Not that we're not going to build 200 homes out there that's wonderful.

 - City Administrator Tim Vandall replied I know after the most recent Planning Commission meeting, I know Matt Schmitz and I talked very preliminary about long term improvements to East Mary but we haven't obviously looked at long term solutions but we've talked about them and if you guys want us to begin the process of figuring out what we would do, we could certainly do that. I know you guys have mentioned before that you want to look at the next phase of DeSoto and you want to start engineering that too. I mean, I want to get your guys' priorities.
- Councilmember McNeill responded from a large picture view, right. We don't want to start a bunch of mini developments around stuff we haven't already improved. I mean, we're trying to improve the infrastructure of the City and we have been for the last 10 years, right, but now, we're trying to solve a problem that we're creating ourselves by letting a development in on a road that is not going to support that development. If you put 200 homes in there, there's no way that roads going to support that. I mean, that's impossible. I don't know, what do our engineers and our Public Works Director think about the roads, I mean, we used to do traffic studies. Matt, what do you think? Whenever we were going to do a development. If the traffic analysis came back and said there's no earthly way you can do that. Then that gives us more information on making a decision but I mean, we don't really have all the information to make a rational decision.

 - Councilmember Pawlowski stated when we were doing the last Comprehensive Plan and the only thing on the East side of the highway, I think, that we even talked about was McIntyre. I mean not that I don't want to do this. That's not my point but people ask me and I'm like I don't know because I don't remember ever looking at East Mary Street.
- Councilmember McNeill asked what did the Comprehensive Plan have on it. Do you know?

 - Community & Economic Development Director Matthew Schmitz I can speak to that a little bit. The Comprehensive Plan when it was done, this property was owned by the state. So they looked at that, at that time, they looked at it and said this property is never going to develop because the state owns it. And as we can see, here we are.

 - Councilmember Pawlowski stated here we are 5 years later.

 - Community & Economic Development Director Matthew Schmitz stated now there's a developer that owns it because the state sold it. So, the Comprehensive Plan doesn't really speak to it or doesn't take it into account as much as we'd like it to. Because just at the time, they didn't think it would ever develop.

 - City Attorney Greg Robinson responded to your point and Matt, correct me if I'm wrong but I tend to recall that there was a discussion about how either the traffic plan or at least the traffic count, and the discussion, my recollection was there was a discussion about even if the numbers are higher than anticipated is where's the funding going to come from to fix the issues. You have to have a light or if you have to cut down the hill. Where's all this money going to come from to, ok you get a solution but how are you going to fix it?

- City Administrator Tim Vandall stated if we don't know, we're not going to have the money to do things like that.
 - City Attorney Greg Robinson replied it's kinda like.
 - Councilmember Pawlowski stated chicken and egg.
- Councilmember McNeill asked so if we build 200 homes in there, we can build a road with that.
 - City Administrator Tim Vandall responded that's not what I'm saying but if you guys are serious about keeping the mill levy flat and you want to pay for a \$5 million road, I don't know where you guys want the money to come from, I guess.
- Councilmember Pawlowski asked do we, are you a neighbor?
 - Mayor Smith stated Mr. Henly.
 - Community & Economic Development Director Matthew Schmitz stated come up to the podium.
 - RL Henly stated I live at 812 E Mary Street, just down the hill from there. I've lived there 45 years. Army brought me out here and dropped me off and I love it out here. Been here ever since.
 - Councilmember Pawlowski responded you can't get out of here like the rest of us.
 - RL Henly stated and I'd like to stay here but I was in the County, when I moved down there, you guys annexed me into the City. That's fine, appreciate it. The traffic is the main problem. I appreciate you bringing that up. That was in the letter there but it's increased quite a bit since Evergreen, Hillbrook, whatever it is back behind there was developed. Traffic has gotten steadily increased. It's a truck route through there now. It's a designated truck route.
 - Councilmember Pawlowski asked it is.
 - RL Henly stated it is, there's signs on the highway there designating it that way. Policemen, the Police Chief are very active out there on the street with traffic violations and stuff like that. They're doing an excellent job trying to keep traffic down. The hills to it and the more traffic that gets on it, the more risk it is plus people walking up and down the street from homes up in that area, down along the street there. They use my yard which is pretty much a ditch but I've tried to maintain it like a golf course. You know but it's a ditch but they get off the side walk for it. The biggest concern I've got with the road being improved to the point it needs to be and having a walking trail in the front yard like West Mary all day and night and up the rest of Mary Street there towards 7. Those homes up in there, you know, walking trails right in the front yards. To make the street, if the street was made to be like its suppose to be made to require all this. The property itself is on an island out there. There's no potential on the North side of it. KSP probably owns that.

There's no potential on the West side of it. Flood plain which floods pretty regularly. South side is bordered by Leavenworth City Landfill and rock quarry ponds. Developer don't want to go through there, it cost him too much money to make exits out that way. All exits are going to come out to Mary Street. The East side, Leavenworth County was annexed several years back. Property owners went to Topeka and got de-annexed. I don't think their attitude has changed much about being annexed into the City. I personally liked that bigger Leavenworth County between us and Kansas City, KS or Wyandotte County. I mean I don't know why we got to go that way toward them. Leavenworth County is going to be a barrier for them coming towards us.

- Councilmember Pawlowski asked since you've lived there 45 years. Has that road always been paved since you've lived there.
 - RL Henly replied yeah, it always has been paved. Yes, sure has. It's gotten worse since the last little deal was done to it but it wasn't a good job.
 - Councilmember Pawlowski replied all the chip and seal.
- RL Henly stated yeah that was a bad deal. It was a pretty good road before that asphalt. In fact, its gotten worse when the last deal was done. I would much rather see our money spent toward the West end of town out towards the school district. There's roads out through there that need to be improved. You know there are kids walking. They can't even walk out that way and here we're going to come out to an island on the East side of town. Eventually, we're going to need to put something out there. The traffic is the problem, getting sewer down to the sewer line now is on the West side of the creek. Like Tony said, it's got to go under the creek or above the creek to get hooked up. That's all in a flood plain area. I've got letters several years that were submitted to the City from the State of Kansas, different organizations about interfering with that creek, flow down through there. That would affect the flood plain. Not only, one other thing, houses on the other green there by the lake up there now that's there. The future plat has a dam going across through there. A road/street going across the dam. Where the dam now, as it sits is not sufficient enough to drive any cars across. So, expanding that dam to a street is going to interfere down in the flood plain area which I don't think would be advisable for the West side of that or Rock Creek backs all the way up in there.
 - Councilmember Pawlowski responded we don't want that.
 - RL Henly stated no, so either going to have to remove the pond.
- Councilmember Pawlowski responded no, we don't want that either.
 - RL Henly I don't think he wants to do that. So, there's just several things I think you guys, you got a very good staff here. They seem pretty well on top of it and your direction to them hopefully is not to pursue this at the time being. You know the money needs to be spent elsewhere. We can spend it better elsewhere. Even the first plat here doesn't address the pond issue. If you been out there and looked and Tony, it sounds like you were earlier, there's not much ground between the pond and the road. If you take that

setback and put two lanes of houses in there plus a street in there. That second housing that's next to the pond there or the lake is right on the lake.

- Councilmember Garvey stated it's lakefront property.
 - RL Henly responded it is. You can ask the Fire Chief back there, Rick, he's made several rescues out of that pond back there and it's a dangerous spot. Thank you.
 - Mayor Smith responded appreciate your comments.
 - Councilmember Pawlowski replied thank you very much.
- Councilmember Trinkle stated I have spoken with Mark on this and he is purchasing or he's already purchased the other half what the gentleman as talking about. He wants to house the whole, everything he has purchased out there. They're going to improve the grounds. I mean I don't think he's going to sit houses on there the way it sits now. I'm sure there's going to have to be work done, correct, Matt. I mean, it's going to be hard to take a side or draw it up where its safe for the pond, the dam, the location. It's in the deal where they've talked about the excessive traffic. They're only going to put 13 houses in to start with. He's got to come back before they'll approve the rest of the plat with some type of deal for the traffic problem.
 - City Administrator Tim Vandall responded we've talked about some of those things already so if you recall on East Kansas a few years ago when we added that dedicated right turn lane. Like we've talked about that for East Mary so there would be two outgoing lanes on East Mary. I know we are double checking if that's wide enough to do that but that would be a similar deal to when, Gene, do you recall that? A few years ago when we added that second right.
 - Councilmember Pawlowski stated Gene and his tape measure.
 - City Administrator Tim Vandall responded well exactly but that was a good example of how adding that second lane going out onto K7 sped up the traffic on East Kansas. And that is one of the things we're looking at here that would be a low cost thing. If you guys really do want us to start looking at a large scale improvement there, that's fine.
 - Councilmember McNeill stated I'm not saying we should put a new road in there. What I'm saying is, we shouldn't develop in an area that we already know the road can't take it. That's my point.
 - City Administrator Tim Vandall asked so we should build the road before we develop it?
 - Councilmember Buehler replied we should know what it's going to cost. Even Dave just said he's taken steps to address the traffic problem. We know there's going to be a traffic problem but yet, we haven't done anything to figure out what it's going to take to mitigate that problem other than for 13 houses and there's no issue for 13 houses. So, we know there's going to be a problem with 200 houses. We need to figure out what it's going to take to do it now instead of oh crap, we've already committed to him building 200 houses. Now what are we going to do.
 - Councilmember Trinkle responded I think he wants to incorporate the front with the back. So, what you're probably looking at is an exit onto Gilman or something out in that area, Because he wants to combine it if he furnishes with a complete deal.
 - Councilmember Pawlowski asked which parcel has he also bought, the one to the South?

- Councilmember Trinkle replied the one right, the Greenamyre property at the end.
 - City Administrator Tim Vandall stated I kind of wish he was here to talk about some of those things. I can't speak to that.
 - Councilmember Trinkle responded where the lakes at because he was talking about a lakefront property around each lake.
 - Councilmember Pawlowski stated because here's my thought process. Thirteen houses is not going to add enough to the traffic to make us freak out but we have to put the sewer in. If he does the second plat then we have however many more houses in there. And then that is when the traffic can become a problem. But we've already committed to DeSoto. We're talking about continuing with DeSoto so we can at least finish a project and then this is what always happens to us, then all of a sudden some other crisis comes up and we completely change lanes and don't finish what we started with. But we can't not address the future cost of this road. And to Dave's point, I understand that he's got this big plan but he's not going to contribute.
 - Councilmember Trinkle responded you don't know that.
 - Councilmember Pawlowski stated at least to this point to the cost of that road. And how can you go to your tax payers and say we just signed up for a \$3 million road so Mark could build houses.
 - Councilmember Trinkle replied we're not talking, I mean, he has to come up with some ideas, correct Greg, at the meeting if he extends the plat for the 200 some new homes. There has to be more talk about what they're going to do with traffic. Traffic has been an issue, has been talked about correct.
 - City Attorney Greg Robinson responded the problem, there are so many moving parts here, it's hard to, it's like trying to herd cats because on the one thing you talk about an issue, think I can solve this problem but then there's two more problems arise. Ok, 13 homes is not a problem, we can handle that. I think we can all understand that but the problems we're running into is if you are even charging him his full rate for any of the fees necessary for the road. It's still not going to be significant enough to finish East Mary. So even if to your point like oh we're going to tell the citizens we're going to build on Linaweaver Road that's not true. Even if he pays his full freight, for his portion, you still have to make a decision how do I finish the other 75% of that road. Or 50% of that road. Somebody's got to pay for that.
 - Councilmember Pawlowski asked now we don't have any plans for the other parcel. Is that right?
 - City Attorney Greg Robinson stated right, to my understanding.
 - Community & Economic Development Director Matthew Schmitz asked which parcel are you referring.
 - Councilmember Pawlowski responded the one Dave said he bought.
 - Councilmember Trinkle stated he said he was in the process.
 - Councilmember Pawlowski asked the parcel next to it, do we have any plans for that?
 - City Administrator Tim Vandall stated I haven't received anything.
 - Community & Economic Development Director Matthew Schmitz stated South of this property. We don't see any potential plans for that.
 - Councilmember Buehler stated we said 148 houses.

- Community & Economic Development Director Matthew Schmitz on the preliminary plat, it was approved through Council and through the Planning Commission, it was 148 homes.
 - Councilmember Buehler then there is more coming to the back side.
 - Community & Economic Development Director Matthew stated there could be more South of that additional preliminary plat depending on if Mark decides to pursue that South of this property.
 - Councilmember Pawlowski asked is that parcel in the City?
 - Councilmember Trinkle replied yes.
 - City Administrator Tim Vandall replied yes.
 - Councilmember Pawlowski asked and its where Gilman is finished or not?
 - Community & Economic Development Director Matthew Schmitz responded I'd have to look at a map.
 - City Engineer Matt Harding stated it's directly behind Linaweaver shop.
 - City Engineer Matt Harding stated there's a collector street that goes in the Industrial Park from Gilman. East of that, it's gravel but to the West it's paved.
 - Councilmember Pawlowski responded ok but so if he develops the other part and it comes out on Gilman. Is it coming out on hardtop or gravel?
 - City Engineer Matt Harding stated if they go West, it'll be paved. If they go East, it'll be gravel.
 - Councilmember Pawlowski asked but so we have paved street until the end of the City limits or not?
 - City Administrator Tim Vandall replied I think so.
 - City Attorney Matt Harding responded I don't know where the City limits are. I'm sorry.
 - Councilmember Pawlowski replied I think this tree line here is the City limits.
 - Councilmember Trinkle responded right there where you turn to go into Linaweavers is the City limits, isn't it?
 - Councilmember Pawlowski stated no.
 - City Attorney Matt Harding asked is that horse place in the City limits.
 - Councilmember Pawlowski asked is Turkey Valley Farm in the City?
 - City Engineer Matt Harding stated then that's not paved.
 - Community & Economic Development Director Matthew Schmitz stated so where you turn to go in, the map that's over here, where you turn to go into the Industrial Park.
 - Councilmember Pawlowski stated the Industrial Park is paved.
 - Community & Economic Development Director Matthew responded right it's paved up to there but City limits jogs there along Gilman. It goes further to the East on the North side of Gilman than it does on the South side. The South side, it goes along the Industrial, the manufacturer that's there, the road that goes back to the

transfer station. On the North side, it continues out to 131st Street or widens at 131st Street.

- Councilmember Pawlowski stated so if, if he develops all that and starts to develop the rest of that parcel, it could very well come out on gravel so we'd have to do that road too.
 - Councilmember Trinkle responded that's a county road though.
- Councilmember McNeill stated you're missing the point. The point is we have a Comprehensive Plan that tells us, guides us where we want to move our development and right now we're letting people who after the fact, right, I mean, we used to be a park now it's a building we had no plan for this to even be developed which is why we're not fixing the sewer, fixing the main road, drive us into multiple cost so he can put this development in there while we're still trying to do all the infrastructure stuff to where we said we were going to build developments. I mean that's an issue. I mean the reason why we have the plan is to kind of follow the plan.
 - City Attorney Greg Robinson stated right but no one anticipated the State was going to sell that property. It was in a 100 year lease or whatever.
 - Councilmember McNeill responded I got that, I got that. It doesn't mean the City itself has to jump through hoops to change all our plans and do a whole bunch of infrastructure things for one development. I mean we have plenty of other developments going on. Right? We still need to improve.
 - City Attorney Greg Robinson stated again that's a legislative decision you guys have to wrestle with but at the same time, when land has been re-zoned to its highest and best use, which apparently this would be residential, it's not necessarily, unless the City wants to put a moratorium on construction and building and say we're not building East of Main Street then you can do something like that. But at the same time, understandably, yes, did the City concentrate East of 7, of course not because that was a park.
 - Councilmember McNeill replied I know, we're just, we're digging a hole by letting this development go in there now. You know we're responsible for trying to get all the rest of the infrastructure there for it. I mean, so, when you say you know if we're into taxing everybody for building a one mile improvement on that road. No, I'm not into it but we're forcing ourselves into it by doing this.
 - City Attorney Greg Robinson replied but it does, it's an investment obviously because once you get 200 homes on line they are tax paying residences and they are going to be paying their share, just not initially. So, you are recouping.
 - Councilmember McNeill stated they will also be complaining, every time I try to pull out on this road that you haven't improved.
 - City Attorney Greg Robinson stated now what I'm talking about if you did improve, you did invest in it, did build it. Then in 20 years when the bonds are paid off, houses are all built, it's paying for itself. And its going to continue to pay for the next 50, 60, 70 years on the tax rolls. That's the invest part of it. Yes, the pain is do we pull the trigger to do it. That's the pain of the decision.

- Councilmember McNeill replied what I'm saying, if we put this in there, we pretty much have to do it. If 200 homes go in there, how can you leave that stretch, that one mile stretch of road that's 22 feet.
 - City Administrator Tim Vandall stated everyone keeps throwing out 200, it's 148, right.
 - Councilmember McNeill responded ok, 148.
 - Councilmember Buehler replied that's just the first part but then according to Trinkle he's going to build.
 - City Attorney Tim Vandall stated we haven't seen any plans yet just to clarify.
 - Councilmember Buehler replied right, I get it, still 148 homes.
- Councilmember Pawlowski asked if we passed this for the 13 houses. If we say ok, you can build your 13 houses but does that automatically sign us up to having to do that sewer. Because he can't build those until we have sewer.
 - Community & Economic Development Director Matthew Schmitz stated from our discussions with Tony, my discussions with Tony, it signs us up for providing sewer service to the 13 homes that are there. Meaning if the Council decided that it did not want to spend the money to lower the line, we'd have to do an aerial crossing.
 - Councilmember Pawlowski asked could we make the developer put that in?
 - Wastewater Utility Director Tony Zell responded the way I have approached this development is, we have had a plan, part of our master plan to increase the size of that main that goes underneath Mary Street. My conversations with them have been, we have plans to build this main at the time it is needed to be built. So, I have provided the developers engineer a plan of where we are going to increase the size of that sewer pipe. Here is where you will connect. We're really not giving them an option to put in an aerial crossing. They're going under that creek.
- Councilmember Pawlowski stated my question, I think, is legal. If we approve this plat for these 13 lots, does that automatically say City of Lansing, you have to put in this sewer line and have to pay for it to his development.
 - Councilmember Brungardt asked for the rest of the houses.
 - Councilmember Pawlowski responded well for any of them.
 - Mayor Smith stated just the 13.
 - Councilmember Pawlowski responded I'm just saying if we approve the plat.
 - Wastewater Utility Director Tony Zell stated we are making the assumption those 148 homes are going to be built as well as other properties upstream. So, it would be prudent to build it right the first time which is why we are going deeper.
 - Councilmember Pawlowski stated what I am getting at is if we approve this tonight, do we have any time left to work out these numbers.
 - City Attorney Greg Robinson asked work on which numbers.
 - Councilmember Pawlowski responded how we're going to pay for the sewer.
 - City Attorney Greg Robinson stated the whole thing.

- Councilmember Pawlowski stated for the whole thing. Long range plan for the road, I mean.
- City Attorney Greg Robinson stated I don't like speaking absolutes obviously because legal never likes us to speak absolutes.
 - Councilmember Pawlowski replied it depends, tell me it depends.
- City Attorney Greg Robinson responded but if you can't, if a place can not hook up. Let's say he got started, let's say you gave him the approval to go before the sewers in and whatever reason bottom of the economy falls out, we don't have any funds, we have no revenue, we can't build it. Well, they don't get any occupancy permits, that development will fail. We can't be forced necessarily to do something we can't necessarily have the funds to do it. Do I think that will happen, no but again, its one of those law school questions. It's you know like the worst extreme you can think of that's how you try to approach it.
 - Councilmember Pawlowski stated I don't know how other cities do it. We've always taken the approach the City will run the main to the property line, the developer is responsible past that.
- Wastewater Utility Director Tony Zell responded and this is going to be unique because we aren't actually going to their property line. We're considerably West of their property line, so they are actually coming to us. And I guess in looking at the numbers, purely on the sewer end of things. 150 lots, \$3,000 a tap, \$60 a month revenue per lot. Over time it will pay for that sewer main extension that we're putting in. So, to me, it's kind of, at least in my mind was a wash.
- Councilmember Pawlowski replied well I'm not as worried about the sewer as I am about the road.
 - Wastewater Utility Director Tony Zell stated understood. I mean, we're currently at about 30% designed for that sewer line.
 - Councilmember Pawlowski responded I just wondered if approving the plat meant that we were saying yes you can build. I mean, approving the plat in my mind is saying we approve of this design but that's not saying go ahead and start moving dirt tomorrow.
 - Community & Economic Development Director Matthew Schmitz stated approving this plat is just 13 lots, that's all you're approving with this plat. You're not approving 150 homes. You're approving 13
 - City Attorney Greg Robinson stated this might be one of those opportune times, I think, we just had the last developer's property and we had his attorney here at that work session. This might be one of those appropriate times, at least for passing this 13, to start discussing whether or not this might be appropriate for the benefit district. You know where it's assessed against each lot. I understand developers don't like to hear that because it drives up the actual price point for them. at least for my understanding from what I have heard on this development is that this developer is attempting to try to bring in a price point that would allow individuals into our town that would normally go elsewhere. That can't afford the market, products that we are constantly providing at the 350+ range. We're trying, you know, anybody can get on social media and see how many people graduate from Lansing High School and go live in Leavenworth. And this is an individual that grew up here and at least what I've heard is attempting to bring the price point in so perhaps some of these homegrown kids can stay home.
 - Councilmember Pawlowski stated right I get that.

- City Attorney Greg Robinson replied instead of losing them. So, there's that investment part again.
 - Mayor Smith asked Matt this is for 13 only, right?
 - Community & Economic Development Director Matthew Schmitz responded correct.
 - Mayor Smith asked and Tony, the confusion on the sewer thing. They are going to bring it to us. What do we have to do to be able to service that. Do you have a design in place right now?
 - Wastewater Utility Tony Zell responded the City Council approved a design this year with GBA. We've got a preliminary design, survey work is done, there's been updates that Matt, or Tim has been putting out through his memos and stuff. GBA is working on it.
 - Mayor Smith asked how are we going, how is the funding going to be, Tim?
 - City Administrator Tim Vandall responded if it's \$500,000, it's a little bit easier to figure out than \$3 million.
 - Mayor Smith stated ok and so if you are looking at just the 13, the \$500,000 is what you all are looking for tonight.
 - Community & Economic Development Director Matthew Schmitz stated no, we're not looking for anything.
 - Wastewater Utility Director Tony Zell stated we're not trying to lock in funding for anything. It's just this was the plan at staff level to try to solve.
 - Mayor Smith stated if you go ahead and approve this, you got 13, you've got to hook them up. So, you'll have to have that eventually if your going to continue.
 - City Attorney Greg Robinson stated correct me if I am wrong, the building, Public Works won't issue any building permits if they're not going to be getting infrastructure to even hook into.
 - Mayor Smith replied I know, I'm trying to look at it from the developer's side too, on what, you know, how far they've been driven down this road and all of a sudden we put a stop on it. I understand and you're right, I've been here 40 years and that street has never been improved but I didn't know, I didn't want us to get confused over we're trying not to build over a 140 some. We're trying to do 13 right now and then it stops until we get our plan together. Is that what I am hearing?
 - City Administrator Tim Vandall responded well and getting back to your original question the cash balance and wastewater fund is \$1.7 or \$1.8 million or something like that.
 - Councilmember Pawlowski replied we've got that, we also have that other \$2.2 or do we have anything.
 - Wastewater Utility Director Tony Zell responded I will be briefing you on that later this month.
 - Councilmember Pawlowski stated oh you will.
- Wastewater Utility Director Tony Zell responded the study session this month, we will be discussing all elements wastewater.

- Councilmember Brungardt asked was Andi's question answered, the legal question you asked. I never felt like I got an answer, did you?
 - Councilmember Pawlowski well I think Greg kind of just answered it that they wouldn't give a building permit if there wasn't. He was going to say it depends.
 - Councilmember Garvey it would depend on the sewer issue.
- City Attorney Greg Robinson stated if infrastructures not there, I guess it's one of these is there any detrimental reliance. If the City is guaranteed let's say for example, you will have the connections to the sewer and that developer or anyone relies upon that reassurance that that infrastructure will be there and they go out and spend let's say \$2 million in materials and labor and all that, they may be able to make a case that hey, we relied upon your assurance that that sewer would be available to us and we just lost, basically \$2 million because we can build it, but we can't occupy it or sell it. So, from a legal perspective, could there be some litigation, of course, there can always be litigation as we know. But you know ultimately, would that be winnable or what not, I don't know. As I sit here there's so many variables in play, I can't really just give you a black or white answer so to speak. But again, I think the fall back is if we don't have a plan in place, we don't have the funding in place to build that initial 13 homes, I can't see that Matt's department would ever issue any building permits.
- Councilmember Brungardt asked our focus should be the 13 houses.
 - City Attorney Greg Robinson replied yes correct.
 - Councilmember Pawlowski stated and they can't go past that without coming back and then we can say we want to see the whole plan. We want to see traffic, how you're going to get out of here.
 - Community & Economic Development Director Matthew Schmitz responded and that was always staffs intent. The 13 houses. That is what he wanted to start with. From staff level, we said that's fine but I've been very clear with him, when we come in for more, we're going to have to have bigger discussions than what we are having for these 13.
- Councilmember Pawlowski stated I believe that he will sell these very quickly at that price point.
 - Community & Economic Development Director Matthew Schmitz replied that may be.
 - Councilmember Brungardt stated absolutely.
 - Councilmember Pawlowski stated and he will, we're going to have to have this discussion and it's not going to be that far down the road.
 - Mayor Smith stated he'll be back in.
 - Councilmember Buehler replied we knew we were going to have it.
 - Councilmember Pawlowski responded I mean I think when he gets those roads, when he gets those things in, he starts building. They're going to be sold.
 - City Attorney Greg Robinson stated when the other developers were here was there a work session on benefit district. I can't remember. It could be appropriate for a future discussion about benefit district for roadway improvements where your kind of isolated and you've got to get somewhere. Instead of just kind of building from the center out. We're going from out from the side of the wheel and coming in
 - Councilmember Pawlowski responded kind of in my mind, if he's bought that other parcel and he intends to develop it, we need to see long range plans for

- getting out on Gilman before we go down the next rabbit hole.
 - Community & Economic Development Director Matthew Schmitz asked are you talking about the intersection K-7 and Gilman.
 - Councilmember Pawlowski stated no going out.
 - Councilmember Garvey stated the subdivision going out to Gilman.
 - City Attorney Greg Robinson responded two out one going.
 - Councilmember McNeill replied you're not going to tell somebody who's living right here that they're going to go down Gilman.
 - Councilmember Pawlowski stated no I'm just saying that.
 - Councilmember McNeill responded it's like I'll go whichever way I want. I decided I'm going this way.
 - Councilmember Pawlowski stated no, I mean when they first built my subdivision there was one way in and one way out. There was 105 houses and if there was an accident on K-7, you couldn't get out.
 - Councilmember McNeill responded I mean, that's kind of what I am thinking on this little road which I mean it's a mile. I measured it from where we start to the intersection, it's one mile. So, I don't know what that proved, I mean it's something we do need to look at because I don't mind a development going in there. I am going to mind if there's six car accidents and a couple of kids get killed in a school bus. They're going to look at us and go, really, what did you do, City to protect you know the families along there. I'm all about development but you know there is a safety reason why you do traffic analysis.
 - Mayor Smith asked we're again, we're just talking about the 13 this evening.
 - Councilmember Pawlowski stated yeah but there's more that go along with the 13.
 - Mayor Smith responded I understand that.
 - Councilmember Buehler stated according to the Ordinance it said anything 11 or more, they are supposed to do a traffic study; our Ordinance.
 - Councilmember McNeill responded I get this is 13 but I mean, I remember previous a Mayor who said we're only voting on this. I guarantee it, we won't have to go further and then the next meeting, no we're only doing this piece. Pretty soon we had a development that we didn't actually sign up for. So, I think you remember that one too.
 - Mayor Smith stated ok what do we do. Yeah, I do. I was dragged into that one.
 - Wastewater Utility Director Tony Zell stated I just wanted to follow up to Andi's question about the proximity of sewers and this development is somewhat unique that is actually has to cross two other private properties to connect to the City main. Both of those are in the flood plain, not really developable so there's not a lot of initiative for those other property owners to really jump on board and say ok great now I've got sewer on my property. Same time we're talking later this month about policy decision with regard to how large do you want those sewer lines to be going through that development because this does open up properties to the South, to the East that you know we have to take into consideration now when they build this first phase. Do we build a 12" pipe. If they only need a 10, do we build a 12 or do we build a 18 because we know that opens us up for future development.
 - Councilmember Pawlowski responded all my sewer knowledge and Matt explained to me how if you get too big a pipe and the bottom is too flat. How am I doing Matt?
 - Wastewater Utility Director Tony Zell replied you're doing good.
 - Councilmember Pawlowski stated but my common senses says if you're digging it up and you're spending the money to dig it up, I want it as big as you can get it.
 - Wastewater Utility Director Tony Zell replied as long as we can create enough fall and keep everything in suspension, we're good.
 - Mayor Smith asked ok Sarah do we have a motion to second on this.

- City Clerk Sarah Bodensteiner replied there's a motion and a second to accept the final plat is presented.
- Mayor Smith stated if there's no more comments we will continue this but I'd like to at least go back and see what the Council would like to do.
 - Councilmember Pawlowski replied what do you guys think, I don't know.
 - Councilmember Garvey stated I'm good with the 13.

The motion was approved with Councilmembers Buehler and McNeill voting against the motion.

Ordinance No. 1008 – Lansing Community Library: Councilmember Brungardt moved to approve Ordinance No. 1008 as presented. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Resolution B-2-18 – ICMA 457 Loan Program: Councilmember Brungardt moved to approve Resolution B-2-18 as presented. Councilmember Kirby seconded the motion. The motion was unanimously approved.

Resolution B-3-18 – Condemnation Resolution for City Project 17-04 (7 Mile Project 1): Councilmember Buehler moved to approve B-3-18 as presented. Councilmember Garvey seconded the motion.

- Councilmember Pawlowski stated I was in such a hurry, I ran out the house without all my stuff tonight. So, have we started negotiations with these people?
 - Wastewater Utility Tony Zell responded we have not. Easement descriptions were delivered to our appraiser last week and they have until the end of September to get those back to us. They have sent out letters to my knowledge this week. The appraiser has to meet with and discuss the project with the homeowners, this is for both of the projects, this one and the next one. And will begin easement negotiations the first part of October to keep the project moving and try to hit some of our milestones. We felt it was appropriate now that we actually had descriptions to enable us right now to keep track as much as we can.
 - Councilmember Pawlowski asked how many property owners.
 - Wastewater Utility Tony Zell replied there are three for this particular project and there are twenty-one for the next item. This one specifically deals with properties to the West of the golf course which would be two residential lots and a nursing home.

The motion was unanimously approved.

Resolution B-4-18 – Condemnation Resolution for City Project 18-02 (NW Relief Sewer Project): Councilmember Pawlowski moved to approve B-4-18 as presented. Councilmember Garvey seconded the motion.

- Councilmember Pawlowski asked are these the ones along the country club.
 - Wastewater Utility Director Tony Zell responded this would be from Emily Street West kind of through La Mesa crossing over at Woodland and then through the golf course and Meadow Drive that comes out the back side of Fairway. And then we've got Holiday Drive as well. Because if you recall that project we're intercepting flows out of Holiday to bring them through this new pipe to alleviate other downstream issues that we're trying to solve without having to go in and make repairs to those.
 - Councilmember Pawlowski asked is it going to be a mess.
 - Wastewater Utility Director Tony Zell stated this is actually a much preferred method. If you recall the original project was tearing up 83 homes, going through backyards. Through Valley, Fairlane, Holiday and stuff like that. So, we believe this is a preferred option.
- Councilmember Pawlowski asked and you haven't started on any of these either.
 - Wastewater Utility Director Tony Zell replied same thing. The same appraiser is doing both projects. The reason there is two separate resolutions, just in case you were

wondering, two separate engineering firms had two separate licensed surveyors. So, after consultation with Greg, we just felt, let's keep it separate. They are two projects that are going to be bid together and built as one. But we got two separate surveyors and just keeping it cleaner.

- Councilmember Pawlowski asked when you get a list of property owners, can you share that with us in case we have to field calls and stuff.
 - Wastewater Utility Director Tony Zell stated you know I will.
 - Councilmember Pawlowski responded thank you.
- Mayor Smith asked anything else. Sarah.

The motion was unanimously approved.

Supplemental Agreement No. 4 – Project No. 52-U-2113-01 DeSoto Road Project:

Councilmember McNeill moved to authorize the Mayor to execute Supplemental Agreement No. 4 for Project 52-U-2113-01 DeSoto Rd, Ida Street to Eisenhower Road.

Executive Session – Consultation with Attorney: Councilmember Pawlowski moved to recess into Executive Session for consultation with an attorney for the City which would be deemed privileged in an attorney-client relationship, K.S.A 75-4319 (b)(2) for 15 minutes beginning at 7:58 PM and returning to the Council Chambers at 8:13 PM. Councilmember Buehler seconded the motion. The motion was unanimously approved.

Councilmember Pawlowski moved to return to Open Session at 8:13 PM. Councilmember Buehler seconded the motion. 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 spoke about resolutions and Ordinances for DeSoto Road coming up. There is a possibility of savings while refinancing old debt. There isn't enough of a savings to do it right now but that may change in the coming weeks. The term would not be extended. The meeting with the Industrial Spec Building Committee Chairperson was positive. If in Lansing, they were expecting a longer term pay off of 13-14 years, but it would add another building in the Industrial Park with more jobs. The League of Municipalities Conference is on Topeka from October 6-8th so let Tim or Sarah know if you are interested in that. The Regional Supper is in Overland Park on October 30th.

Governing Body: Councilmember Kirby mentioned the Infill Program which is for single family homes only. A guy has built duplexes on J Street and there are currently two lots there he would like to build two more duplexes.

- City Administrator Tim Vandall stated it would only be rewording a couple of sentences in the policy and bringing it to the Council.

Councilmember Pawlowski inquired about McIntyre Rd being closed again.

- Public Works Director Jeff Rupp stated it's closed because they have the equipment running up and down the road for new work for the Leavenworth County side.

Councilmember Pawlowski asked about the driveways that hadn't been finished yet.

- Public Works Director Jeff Rupp stated there were some mistakes on driveway approaches that were supposed to be concrete instead of asphalt and those would be changed out the next time they are pouring concrete.

Councilmember Pawlowski asked about a new approach cut in a field and is wondering if a concrete pad will be put in. It is washing dirt onto the road.

- Public Works Director Jeff Rupp stated he would find out.

Councilmember Brungardt is looking for volunteers for Challenge Day.

Councilmember Trinkle asked about weeds at 600 Beth.

- Tim Vandall stated he would check into it.

Councilmember Trinkle also mentioned a tree branch covering a stop sign at 7th and Eisenhower, and if it could be trimmed back as it's blocking visibility of the sign.
Councilmember Buehler provided a fun fact, on this day in history in 1870, Louisa Swain of Laramie, Wyoming became the first woman to legally vote since 1807.

ADJOURNMENT:

Councilmember Trinkle moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was unanimously approved. The meeting was adjourned at 8:23 p.m.

ATTEST:

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk