

Call To Order:

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

Roll Call:

Council President Garvey 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
Ward 4: Gregg Buehler and Tony McNeill

Councilmembers Absent: Kerry Brungardt and Mayor Smith

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

OLD BUSINESS:

Approval of Minutes: Councilmember Buehler moved to approve the regular meeting minutes of May 17, 2018, as presented. Councilmember Pawlowski seconded the motion. The motion was approved, with Councilmember Kirby abstaining from the vote.

Audience Participation: Councilmember Garvey called for audience participation and one person came forward. Sarah Shafer of Leavenworth County Public Works gave an update on the McIntyre Road project. She provided a tentative schedule for the remaining phases of the project. She stated if there are any further changes she will contact City Administrator Tim Vandall and present those changes to the Council.

Presentation

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Request to Authorize Pavement Repair – Desoto Road: Councilmember McNeill moved to authorize Little Joe's Asphalt Company to perform mill and overlay on the failed pavement area on DeSoto Road in an amount not to exceed \$166,525.20. Councilmember Buehler seconded the motion. The motion was unanimously approved.

Supplemental Agreement No. 3 – Project No. 52-U-2113-01 Desoto Road Project: Councilmember McNeill moved to authorize the Mayor to execute Supplemental Agreement No. 3 for Project 52-U-2113-01 DeSoto Road, Ida Street to Eisenhower Road. Councilmember Buehler seconded the motion.

- Councilmember Pawlowski stated explain this please.
 - Public Works Director Jeff Rupp stated basically this supplemental agreement, we've already had this two other times. I think that it's annually that it's reviewed and if there are any changes, and there was, it's kind of explained in the agenda item I sent out. There was some money collected through the tolls which increased the way to make the split more valuable to us to where we don't have to pay as much out. Also, the 90-10, the Highway Safety Program changed also I think done across the state and we're benefiting a little bit in the break on what cost we'll have to share in.
 - Councilmember Pawlowski asked do you have any idea on how much this is going to save us.
 - City Administrator Tim Vandall stated we could kind of have an estimate but until we got bids it's hard to know.

The motion was unanimously approved.

Conditional Use Permit – Apiary at 00000 E. Mary Street: Councilmember Buehler moved to approve the conditional use permit currently addressed as 00000 E. Mary Street to operate an apiary as a hobby to include not more than 3 hives (boxes) on the property. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Ordinance No. 998- Re-zone Block 9 & 10 Fawn Subdivision and part of Lot 4, Block 3 Fawn Valley South Subdivision: Councilmember Buehler stated we can just say no, that is an option.

- Councilmember Garvey replied yes.

Councilmember Pawlowski moved to table this item

- Councilmember McNeill stated I mean can we discuss it.
 - Councilmember Pawlowski stated we can discuss it before a motion.
 - Councilmember McNeill asked or do we have to have a motion first.
 - Councilmember Buehler stated we can discuss before.

The motion died due to lack of second.

- Councilmember McNeill stated my issue with the re-zoning is not that it might not be a good re-zoning. It's that we haven't completed the UDO (Unified Development Ordinance), we haven't looked at the Comprehensive Plan and made changes, we haven't basically approved zoning based on that for several reasons. One of the gents here, one of those reasons is the Comprehensive Plan isn't matching up with what, we, as the Council have approved. There were changes that were supposed to be made and then we were going to have those made and then have the UDO was going to be put out. I mean if we make exceptions to that we're going to be nonstop doing it until we get it squared away so I would just say we table it, not that we're totally against the re-zoning but until the Comprehensive Plan can be squared away and we can get a solid view of where we want to put everything because right now, we don't have one.
- Councilmember Garvey asked Matt can you explain his options between the two different results what he can do in his zone now vs what he can do if we re-zone it.
 - Community & Economic Development Director Matthew Schmitz stated so right now it's zoned as business so there isn't a whole lot of what he can do as far as residential development there obviously because it's zoned as business. He is wanting to be able to do or have the option to put in fourplexes which is why the R-4 zoning district is what he is requesting because R-3 doesn't allow approved fourplexes. Under the UDO, I talked with our consultant today about that, and under the UDO, R-3 would allow for fourplexes as it stands right now. Obviously, that has to go through the review process and come before this Council and will decide and see what that looks like. But what the consultant is recommending right now is the R-3 district be looked at more a building type rather than as a purely density based district which would allow for a fourplex or even a small apartment building within a R-3 district. And then the R-4 district is where you get into your higher, real high end density stuff where you have major apartment complexes and things like that. So, I guess what I am saying in a roundabout way is if you want to table that, get the UDO completed with R-3 zone.
 - Councilmember McNeill stated it makes sense to look at the UDO and then look how those zones have been described and then look at the Comprehensive Plan and apply those to those areas that we have questions on because right now we don't.

Councilmember Studnicka moved to table Ordinance No. 998 until the Unified Development Ordinance is completed in full and the Comprehensive Plan has been updated accordingly. Councilmember Pawlowski seconded the motion.

- Community & Economic Development Director Matthew Schmitz asked do you wanted to put a timeline on that.
 - Councilmember Buehler responded to what Tony said.
 - Councilmember McNeill responded we can put a timeline on it but when is the UDO going to be completed.
 - Community & Economic Development Director Matthew Schmitz stated it should be by the end of this year at the latest but I'd like to have it before that.
 - Councilmember McNeill responded as soon as the UDO comes out, like I said that gives us the opportunity to look at those zones and then compare them to what was in the Comprehensive Plan and make adjustments, and then nail it down and then go from there. That's what I would say.
- Councilmember Pawlowski stated Matt the other thing you weren't here for was when we had a near crisis over a multi-family a few years ago. I think R-4 allows for apartment buildings and multi-family and I think, at least from my stand point, I don't want to do that again without any control like we didn't have. So I know you didn't have anything to do with that and probably don't know anything about it. I think from at least my standpoint that is the hesitation.
 - Economic & Community Development Director Matthew Schmitz responded as we go with the review process for the UDO that is good information for me to have.
 - Councilmember Pawlowski stated we can go on another trip and I can tell you all about it.
- Councilmember Garvey stated was it six years ago he applied for re-zoning on the corner of Gamble and Ida and it wasn't approved and he compromised and put in duplexes instead of the fourplexes.
 - Councilmember Pawlowski stated I don't remember when that was.
 - Councilmember Garvey responded it was six years ago because I wasn't on the Council then.
 - Councilmember Studnicka stated that was your neighborhood too.
 - Councilmember Garvey responded yes it was, that is why I remember it.
 - Councilmember McNeill stated I remember you came in and talked about it though.
 - Councilmember Garvey responded sure did.

- Councilmember Studnicka stated I do remember that.
- City Clerk Sarah Bodensteiner asked so is the motion to table the item until the Unified Development Ordinance is complete.
 - Councilmember McNeill stated until the UDO is complete, and we can make the proper adjustments to the Comprehensive Plan.
- Councilmember Pawlowski asked so should we reword this.
 - Councilmember Buehler stated she got it.
 - Councilmember Pawlowski stated I will second whatever Sarah says.

The motion was unanimously approved.

Executive Session – Acquisition of Real Estate: Councilmember Pawlowski moved to recess into executive session for the preliminary discussion of the acquisition of real estate pursuant to 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 McNeill seconded the motion. The motion was unanimously approved.

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

REPORTS:

Department Heads: Public Works Director Jeff Rupp gave an update on the Desoto Road project. At the April 19th meeting, City Administrator Tim Vandall said we needed to re-submit the cost estimate on the project due to the federal and state regulations not allowing more than 25% difference in project cost. The state had determined the project had exceeded the amount at a 28% difference. The filed estimate was only for construction cost and PEC has refilled with construction cost but also right-of-way acquisition costs and engineering, utility relocation and other miscellaneous required cost. During the preparation of the re-submittal, it was necessary to obtain actual or estimated costs for utility relocation. Some utility work is ongoing so estimates were used. Westar gave approximate relocation cost of \$210,000 while Lan-Del is underway at \$229,000. We are expecting a reimbursement contract agreement from Lan-Del. The City and PEC have worked with Magellan for two calendar years and never came to a pipeline relocation agreement. PEC made some design changes by raising and widening ditches near the Seven Mile bridge, so Magellan would not have to lower their line.

- Councilmember Studnicka asked why an easement on the east side of St. Francis De Sales church has been dug up, fixed, filled in and re-seeded numerous times.
 - Professional Engineering Consultant Michael Stewart stated the different companies involved do coordinate to some degree but ultimately they relocate when they choose to. He stated anything dug up cannot be left exposed so they do have to recover and reseed.
 - Councilmember Pawlowski asked in regards to the ditches going back to the bridge, does our project go that far.
 - Professional Engineering Consultant Michael Stewart replied the permanent improvements don't go all the way to the bridge. But we have to transition from permanent improvements, we are using a 45-mph design speed so the transition is really long.

Public Works Director Jeff Rupp updated on the Bittersweet Bridge project. He would like to defer it to the next calendar year due to not enough time to complete it before school starts.

- Councilmember Pawlowski asked if they ever found out why the problem occurred.
 - City Engineer Matt Harding stated their best guess is it is possible there wasn't enough expansion factored into the bridge. Once the bridge expanded, it pushed the approaches out, damaged them and they settled. It could have been the approaches weren't good at the time, they may have settled on their own and created the same problem. He stated we don't know exactly what happen but the bridge is sound.
 - City Administrator Tim Vandall stated the bridge is inspected annually.
 - Councilmember Pawlowski asked how long it would take to fix it.
 - Public Works Director Jeff Rupp responded he believes it would take 60-80 calendar days for construction.

City Attorney: City Attorney had nothing to report

City Engineer: City Engineer had nothing to report

City Administrator: City Administrator Tim Vandall stated Parks & Recreation Director Jason Crum and I are having a public meeting in the Council Chambers on Thursday, June 14th at 6pm to talk about improvements to Highland Park and its neighbors. It hasn't been put out to bids yet but it will have to go to the Council when they do get bids.

Governing Body: Councilmember Buehler provided a fun fact, on this day in 1892, Benjamin Harrison became the first sitting U.S. President to attend a baseball game.
Councilmember Pawlowski stated her husband is glued to the tv watching the Capitals play and hopes everyone is enjoying the game.
Councilmember Garvey thanked Sarah Shafer for giving the report on the Desoto road project.

ADJOURNMENT: Councilmember Garvey moved to adjourn. Councilmember Buehler seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:52 p.m.

ATTEST:

James (Jesse) Garvey, City Council President

Sarah Bodensteiner, City Clerk