

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: None

OLD BUSINESS:

Approval of Minutes: Councilmember Buehler moved to approve the regular meeting minutes of April 19, 2018, and the special meeting minutes of April 26, 2018, as presented. Councilmember McNeill seconded the motion. The motion was unanimously approved.

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

Presentation

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Election of Council President: Councilmember Buehler moved to nominate Councilmember Garvey as President of the Council. Councilmember McNeill seconded the motion.

Councilmember Pawlowski moved to nominate Councilmember McNeill as President of the Council.

- Councilmember Kirby stated I'll second it if you want to do it.
 - Councilmember McNeill replied no.
 - Councilmember Pawlowski asked do you want it Tony.
 - Councilmember McNeill replied no.

Councilmember Pawlowski's motion died for lack of a second.

The Council voted on the nomination of Councilmember Garvey as President of the Council. The motion was unanimously approved.

Approval of Bid – Capital Improvements Program 2018: Councilmember Studnicka moved to approve the bid of Little Joe's Asphalt in the amount of \$281,968.39 for Project 18-01: 2018 Capital Improvements Program. Councilmember Kirby seconded the motion.

- Councilmember Pawlowski asked Jeff how come this is so much less than normal.
 - Public Works Director Jeff Rupp replied because we're funding some of the money out of this particular fund and it's going towards the bridge that we're repairing, and it will also have some pavement connected to it, so that's why the numbers are a littler lower this year. But we did get some competition, others got pretty close this year.
- Councilmember Buehler stated a couple years ago they did 4-H Road and there were some issues and they came and fixed it, we used them last year did we have any of the same issues.
 - Public Works Director Jeff Rupp replied no because 4-H has a different paving, it's like a chip and seal surface.

The motion was unanimously approved.

Approval of Design Services: 147th Street Roundabout and Concrete Box Project: Councilmember Brungardt moved to authorize the Mayor to sign the contract of Alfred Benesch & Company in the amount of \$116,565 for design services for the 147th Street Roundabout and Reinforced Concrete Box project. Councilmember Buehler seconded the motion.

- Councilmember Studnicka asked has our engineer looked at all of this yet.
 - Councilmember Buehler stated it's not designed yet, that's what this is for, the design.

The motion was unanimously approved.

Infill Development Incentive Policy: Councilmember Trinkle moved to approve the Infill Development Incentive Policy, as presented. Councilmember Buehler seconded the motion.

- Councilmember Kirby stated Dave and I were talking about this and we feel like maybe twenty years is a tad too long, we'd like to see maybe knocked down to ten years.

- Councilmember Trinkle stated especially when you say vacant for twenty years, maybe it's only been down for ten years. I don't know how we write that, how do we do that?
 - City Administrator Tim Vandall responded if that's what you guys want to do that's fine, the reason why it was twenty instead of ten is at ten years it really does expand who is eligible and who's not, where at twenty years it's more targeted at a certain area, but we'd be open to that if you guys wanted to revise the motion or do whatever.
- Councilmember McNeill asked Tim can you graduate it. Right now we're helping people tear down homes on a lot, so then they have to wait ten or twenty years to build on that before they get a deal. I know some homes are in some of the places we want to re-build in.
 - Councilmember Pawlowski stated some of those lots aren't buildable.
 - Councilmember Brungardt replied that's okay, then they don't build, but you've got the option.
 - Councilmember McNeill stated we're assisting people in tearing down homes right now in a program, so then there should be some incentive to actually build a new house there, and if you have to wait ten or twenty years, it just seems like maybe you can graduate it; if you're building in one of those areas we've already designated; five years after you get this kind of cut on it, ten years this kind, and twenty years you get the free one or whatever.
- Councilmember Garvey asked does anybody else in the KC Metro area have this kind of plan.
 - City Administrator Tim Vandall replied I think there is infill development policies but I'm not sure what each city does.
 - Community & Economic Development Director Matthew Schmitz stated this is something that was evaluated in my previous employment also, I don't think they ever came to an agreement with that they wanted to do with a policy, but that is definitely something other cities have looked at. I'm okay with what this Council wants to do
- City Administrator Tim Vandall stated if you guys wanted to modify the years, I'm fine with that.
- Councilmember Trinkle stated it's just we want to try and that's the reasoning that Tony and everybody said that's what we wanted to do, we want to try to include everything and give the incentive to build; I guess the vacant for twenty years is the word.
 - Councilmember Buehler stated let's do what Tony said.
 - Councilmember McNeill stated graduate it.
 - Community & Economic Development Director Matthew Schmitz we can graduate it and the other thing you could do if the Council wanted to, you could also set it up so that if it removes a home they would qualify for this immediately, so that's another option as well.
 - Councilmember Buehler stated that makes sense.
- City Administrator Tim Vandall stated so ten years and add that sentence.
- Community & Economic Development Director Matthew Schmitz stated we can add that sentence that if you're removing an existing structure, we can come up with some wordsmithing for that to make that work.
 - Councilmember Studnicka stated that takes care of the guy that comes into town and buys a lot and tear that's house down, now he wants to rebuild a house there, that takes care of him.
- Community & Economic Development Director Matthew Schmitz stated if you wanted to change the vacant years to ten or fifteen or twenty or whatever for the vacant piece of it, then you could add something about if they are removing an existing property because of blight or deteriorated or dilapidated or whatever term you want to use, then they qualify immediately.
 - Councilmember Buehler stated I like that.
 - Councilmember Trinkle stated I like that too.
- Councilmember Pawlowski stated but specifically we don't want it in newer subdivisions.
 - Community & Economic Development Director Matthew Schmitz replied correct and that's what we went with the twenty years.
 - Councilmember Pawlowski stated they did the twenty years so it wouldn't be like a Rock Creek Loop or something, because there are vacant lots up there.
 - Councilmember Studnicka stated I think we can qualify it to what we want in our older part of town.
 - Councilmember Trinkle stated but it also says in there that it does not apply to new subdivisions, so I'm concerned about tearing a house down, and vacant for twenty years is too long for me.
 - Community & Economic Development Director Matthew Schmitz stated the concern that staff had with not putting something in there as far as new subdivisions, we don't want a developer to come in and

sub-divide the property and then let it sit for ten years knowing that they could get this incentive if they waited.

- Councilmember Trinkle stated it's needs to be where if they do it, they qualify, it's immediate, they have to start. That's the only thing, I didn't mean to stir up the hornets' nest.
 - Councilmember Buehler stated it's been good discussion though.
- Councilmember Kirby stated twenty is a long time.
- Councilmember Pawlowski stated maybe we should table it.
 - Mayor Smith stated yeah, we need to withdraw the motion and we can table this for now if you all want to and bring it back with the wording.
 - Councilmember Kirby stated come back with something else, you've got an idea into what we're looking for.
 - Community & Economic Development Director Matthew Schmitz replied it sounds like the Council from what I'm hearing, it sounds like the Council is wanting to add something where if there was a home removed, then they would immediately qualify for this and then maybe do you want to do a graduated schedule over a ten, fifteen, twenty-year period.
 - Councilmember Pawlowski asked what would be the qualifications for the graduation.
 - Community & Economic Development Director Matthew Schmitz replied time.
 - Councilmember McNeill states it's time but you might for five years only get twenty-five percent off a sewer hook-up, if it's ten years you get this, and if it's twenty you get it for free.
 - Community & Economic Development Director Matthew Schmitz replied we can do that, the other thing, and Tim you could probably speak to this better than me, but the other thing we could do is bring it back to a work session and come up with whatever it needs to be.
 - City Administrator Tim Vandall stated that one thing I'll say to that though is I've been hearing about this from a couple of Governing Body members and our next open work session is August.
 - Councilmember Buehler stated okay, so write something up and say this is the proposal we're putting together, let us look at it and we can make our corrections and do it next meeting.

Councilmember Buehler withdrew his second.
Councilmember Trinkle withdrew his motion.
The motion was withdrawn.

Councilmember Pawlowski moved to table the Infill Development Incentive Policy. Councilmember Kirby seconded the motion. The motion was unanimously approved.

Eisenhower Crossings Subdivision Facilities Use Agreement: Councilmember Kirby moved to approve the Eisenhower Crossing Phase 2 Facilities Use Agreement, as presented. Councilmember Garvey seconded the motion.

- City Administrator Tim Vandall stated as you guys know this was submitted almost a year ago, the preliminary plat was approved a while back. Couple of things that are unique, we had talked about how Kane Drive was originally going to be partially paved as part of the DeSoto Road project, during our discussions with the developer we had talked about that in terms of we can spend forty-thousand dollars to pave a portion of Kane Drive that really doesn't facilitate new growth or we can spend forty-thousand dollars to help connect Progress Drive to DeSoto Road, and I think that helps facilitate new growth. And a second component of that is if you guys remember back in September of 2015 we had a lot of angry people in Fairway Estates about drainage issues, not that those were caused by the City, but there were probably twenty or twenty-five citizens here voicing concerns about drainage. This would help out some of the drainage a little bit, it won't solve every problem; if there is still a four inch rainfall there is still going to be a lot of water out there, but a portion of the

course you've got all these lots to the north for the development and it makes sense to add Progress.

- Councilmember Buehler asked and we're going to be able to do that for forty-thousand dollars.
 - City Administrator Tim Vandall replied I think where that number came from was we had asked PEC for the equivalent amount of what one-hundred or one-hundred and fifty feet of paving on Kane was, and I think that's what they had said, that forty-thousand dollar figure.
 - Councilmember Pawlowski stated that was back when we looked at the first plat, correct.
 - City Administrator Tim Vandall responded that number came from about a year ago.
- Councilmember Pawlowski stated as I remember the first time we looked at this development they had duplexes on Kane, do you remember.
 - City Administrator Tim Vandall stated there used to be assisted living, but I don't know about duplexes.
 - Councilmember Pawlowski stated I think there were duplexes back there that were not really assisted living.
- City Attorney Gregory Robinson stated I think those were transitional if I remember right. They were where you first started moving into them and then you transitioned as you needed more care.
 - Councilmember Pawlowski stated the agreement we made with the developer was that we would pay half of the cost of Kane Drive at that point, and I think the number that was floated was forty-thousand dollars. In this facilities use agreement, talks about these improvements exercise stations or park fees and then some other issues; is there going to be a home owners association that is going to take care of that exercise station deal, or is the City going to be required to take care of that?
 - Dan Carr Developer for Eisenhower Crossing Subdivision stated to answer your question, yeah, we're going to have a HOA, home owners association that will pay into the association to take care of that. If you notice in the document, I think it's either we pay the park fee or we do the equipment, it's an either or and we haven't decided which direction to go there.
- Councilmember Kirby asked who decides when you've met the fifteen-thousand dollars.
 - City Administrator Tim Vandall replied that is up to Jason.
- Councilmember Buehler stated I have an issue with the whole thing. We've done this in the past, we've waived the park fees and the subdivision gets their little thing and nobody else in the City gets it, and park fees are for parks, it's so that Tony can take his grandchildren to the parks that we have in the City and for parks improvement and not limiting it to one housing area, so I am completely against waiving the park fees period.
 - Dan Carr Developer for Eisenhower Crossing Subdivision stated if I may add, we aren't going to waive the park fees.
 - City Administrator Tim Vandall stated we wouldn't.
 - Councilmember Buehler stated but it says one or the other.
 - City Administrator Tim Vandall stated if they put the equipment in they don't have the pay the park fee.
 - Councilmember Buehler stated I am against doing anything and giving up our park fees, because park fees benefit the whole City and they don't just benefit a subdivision and we've had that happen on multiple occasions where we've done this and we end up hurting the rest of the City, the rest of the residents of this City don't get to use that facility.
 - Dan Carr Developer for Eisenhower Crossing Subdivision replied this may be a little bit unique in that it's not in the subdivision, it's actually on your trail. So it's on your walking trail that you have back there which will have access to the public, so it's back behind our housing, so it's really not benefiting our housing, it's on that trail that goes around that pond. So it's not necessarily for our neighbors, we thought it would be good because we put the trail around that pond and

add that equipment; so maybe it's a little different, but we're fine paying the fee.

- Councilmember Buehler asked so the trail, the equipment is going on the trail that is already there around the pond, so it's not subdivision specific.
 - City Administrator Tim Vandall stated correct, I even think our policy changed that to where if there was a new subdivision that put in a playground, they couldn't limit that, I thought our policy changed that.
- Councilmember Buehler responded we've done it for a pool, we've done it for other things.
- Dan Carr Developer for Eisenhower Crossing Subdivision stated the pond sits right here, this is a separate tract right here; your trail goes here around the pond, and the equipment would go here and our subdivision is here. I don't know if it's all clear but this Tract A is where the equipment would go on the trail.
 - Councilmember Buehler asked so right there in the corner, okay I know where you're talking about.
- Dan Carr Developer for Eisenhower Crossing Subdivision stated we're happy to do either or, we just thought it would be a better benefit to the neighborhood.
 - Councilmember Buehler asked is that something...is Jason here.
 - City Administrator Tim Vandall replied no, Jason comes in when it comes time to evaluate the cost of the equipment, but Jason is aware of it because we talked about how it would be a positive because there is a medical facility there, so were thinking that's actually a good idea if you're taking your mother to a doctor's appointment you can walk around the trail for forty-five minutes or something like that. Just the way it is laid out it's going to benefit the whole area.
- Councilmember Garvey stated and you can walk from your neighborhood on that trail.
- Councilmember Buehler stated I use the trail on a regular basis, so I'm not saying I'm against it when it's put out that way, I just want to make sure that's something everybody in the City can use instead of some of the restricted things we've had put in in the past.
 - Councilmember Pawlowski stated but the HOA is going to pay for the up-keep.
- Councilmember Buehler stated I have a question about all of the sewer stuff, because I don't know what RCP flared end section with concrete toewalls are.
 - Councilmember Brungardt asked what did you say Gregg.
 - Councilmember Buehler replied I said I have a question about the sewage because I don't know what all the descriptions are. So is everything going to be underground, are we going to have open storm water, like we have down there in Ward 4 where the concrete starts to deteriorate and it just becomes an eye sore, and it gets expensive to fix; what is it?
 - Public Works Director Jeff Rupp stated if you're talking about storm water, you have some areas that are, of course the subdivision right now will not be fully developed so there is going to be some flow that either come down and be caught by a catch-basin or field-inlet that runs water underground through unenclosed pipe systems. But there are areas that we are going to discuss probably shortly that have surface water that comes to a swale, that runs through a graded defined area that eventually gets to an enclosed system and gets out to the pond, so it's a little bit of both.
 - Councilmember Buehler stated we have some of those swales that we've had problems with, we've had maintenance issues, they become eye-sores, they are expensive, they smell, so I would prefer everything being underground I guess.
 - Councilmember Garvey stated catch-basins are fine, like on Gamble and Ida, you've got the catch-basin's over there where Greenamyer built those duplexes, those are perfect because it's mostly below the ground, but like Gregg's talking about those ones above the ground, the concrete breaks apart and collapses, and the next thing you know the water is coming down and hitting a wall and splashing out into the neighbor's yard.
- Councilmember Kirby asked how deep are these swales going to be at the lowest.

- City Engineer Matt Harding stated they are a couple feet deep, I can give you the exact if I can find it, but they are basically a couple feet deep.
 - Councilmember Kirby asked a couple feet deep and how wide.
 - City Engineer Matt Harding replied some are like two foot at the bottom and then like eight feet or six feet at the top or something like that.
 - Councilmember Kirby stated six or eight feet across and then two foot deep.
 - City Engineer Matt Harding stated about a couple feet deep, some are two foot or less.
 - Councilmember Kirby stated the way this is set up right now, these are going to run in people's backyards, is that right.
 - City Engineer Matt Harding replied these will run in people's backyards and side yards. Here are some swale drawings; the engineer doesn't give us a depth of those swales, there is a grading plan if you can see it's roughly a couple feet deep.
 - Councilmember Studnicka asked and it's going to run across the backyards of the new development.
 - City Engineer Matt Harding replied yes, they are on the backs of these lots, they are coming down the backs of these lots, they will be at the backs of these lots, coming down the side of this lot, they'll be coming down the side of this lot.
 - Councilmember Brungardt asked how wide is this right there.
 - City Engineer Matt Harding stated it doesn't say, it's two foot wide at the bottom, that one's four foot wide at the bottom, some of these are four foot wide and some of these are two foot wide.
 - Councilmember Kirby stated I guess my concern is these are going to be running through people's backyards, and it's safe to assume there are going to be kids in those backyards, and if we're going to worry about flooding and what it does to property, I think we need to concern ourselves with open pits with rushing water and little kids, so I'll throw that out there for what that's worth.
 - Councilmember Studnicka stated all this water is going to go into the existing pond, is that what I'm understanding.
 - Public Works Director Jeff Rupp stated most of the water is going to go through the enclosed pipe system, there are swales there that are behind the rear of these houses; there are some issues with the swale behind the houses that we brought up and I think the developer has brought up about the design that I think we're going to talk about here in a little bit and we can discuss it now. The velocity is not very fast through the back of these, so I don't think we've got any big sweeping magnificent rain that's going to flood the back of these places, but it's right at the point where our current standards, that there is supposed to be rip rap placed in the swales, which is not aesthetically pleasing for this subdivision, so there's a question that will be facing the Council here, we had staff look and even had a third-party engineering firm take a look at the swales and the velocities, and also the storage capacity of the swales and to see if they work with just being a grass swale which is what the developer is wanting to have because they are more esthetically pleasing. If you put all that stuff in the way that you would normally do it, basically the way our technical specs call for with rip rap, then there is almost like a benching at the rear of the yards which cuts into what is a very small rear yard, so aesthetically it really changes the pleasingness of the rear yard feel or ambiance of the place. So one of the things the developer has asked for is to have a variance to change a couple of our specs but still meets, for the most part, APWA technical specifications and it would have to be something we accept because right now, under our technical specifications the velocity would require rip rap to go in those swales and of course that's a maintenance issue.
 - City Administrator Tim Vandall stated and just to clarify, the velocity issues are only on a one-hundred year storm, so it's not like we're going to be having velocity issues every time there is one-inch of rain.
 - Public Works Director Jeff Rupp replied correct, most of the common storms, the most common being a two and a five, all that water is going to be contained right within the swale itself and of course the rip rap is supposed to slow it down, that's the main reason for it, to slow down the travel and velocity of the water when it's a heavier rain. There is some value to that, but as Mr. Vandall said the one-hundred year storm is like a not very frequent storm.

- Councilmember Pawlowski stated since I've lived in my house we've had three or four of them.
 - Councilmember McNeill stated they occur every other year instead of one-hundred.
 - Public Works Director Jeff Rupp stated the subdivision is designed that once the roadway floods the ten-year flood design and the enclosed system floods it comes up and floods the street and once it floods the street it floods the subdivision, and the subdivision is usually designed so that it flows and maintains the flood for a period of time that it all flows out, so that's the way subdivisions are designed, and right now we're kind of looking at this particular thing for this particular subdivision is we can hold to our technical specs but it might end up with a worse product in the long term, for maintenance for the ambiance of the subdivision, it's a matter of engineering.
 - Councilmember Studnicka asked where is this water going to go.
 - City Engineer Matt Harding replied the bulk of this water, this portion of the subdivision out here on DeSoto, that's going to go this way, this water will come and either be picked up either on Progress Drive or on Pinehurst, except for this portion in the south, these corners are going to go off-site and not be detained in the pond. But most of this is going to get picked up and then directed to and routed through the detention facility.
 - Councilmember Studnicka stated that's my question, the pond right now isn't sufficient to handle the problems we've had and you're going to add more to it.
 - City Administrator Tim Vandall stated they are increasing the capacity.
 - City Engineer Matt Harding stated it's actually going to improve things because right now this water is by-passing the pond, there's nothing to catch it, so when they improve this it will pick this water up and direct it through the detention pond, so actually more water after the development will be routed through the pond. Right now, a lot of this water is falling here and is going off-site and not being detained, so now some of this water is going to actually be directed to the pond.
 - Councilmember Buehler stated and with the lower base, it will allow that much water to stay there.
 - Councilmember Brungardt stated I just need somebody to explain this to me in simpleton's terms, we had the plans verified by a third-party engineer that stated the solution was reasonable. Why did we have to go to a third-party engineer? Can someone explain it to me so I understand?
 - City Administrator Tim Vandall replied sometimes smart people disagree, sometimes good people disagree; I think we have one person on staff who said one thing and one person on staff said another, and I contacted a third-party engineer to get their input on it. There was no malicious intent behind that, but it is tough when you have the City Engineer saying one thing and the Public Works Director saying something else and I'm not an engineer, so I called a third one.
 - Councilmember Pawlowski stated but Matt is supposed to make sure those plans fit our technical specifications and we know they don't, right.
 - Councilmember Brungardt stated that was the other thing that bothered me, was that it said although it doesn't meet our standards it does meet the American Society of Public Works Division 5600 requirements, which honestly, I don't understand. But that's not our standards, I do understand that.
 - Councilmember Pawlowski stated but those aren't our standards.
 - Public Works Director Jeff Rupp replied the reason why that statement was made is because that's the national standard across the United States, and most municipalities use the American Society of Public Works Association, and some of our standards are extremely high, not to say that it's wrong, if that's what we want that's what we want, but in this particular case for all the reasons we're trying to bring development to Lansing, lots of different things were looked at and discussed to make this thing work and I don't know moving from a one-foot freeboard to a half-foot freeboard which is your storage capacity above your normal flow level

in the ditch is going to make that big of a difference, and that's one of the things we were looking at.

- City Engineer Matt Harding stated and this comes down to your decision if it meets the APWA standards then you would move forward and if it doesn't then you might think about it. According to the APWA standards, all habitable structures have to be sixty-feet away from the top of the swale, our standards say all habitable structures have to thirty-feet, half that distance, but our standards say it has to have one-foot freeboard, APWA says you have to have half of that, but you have to be double the distance away from the swale. Also APWA, the section of APWA that I think are being referred to here say that, well some of these lots, the houses will not be sixty-feet away from the top of the swales, so they would not meet the requirements of APWA.
 - City Administrator Tim Vandall stated and I'll say there is internal disagreement on that.
 - Councilmember Buehler stated the standard should be simple if it says it has to be sixty-feet away.
 - City Administrator Tim Vandall stated and we're being up front in saying it's a proposed compromise.
 - Councilmember McNeill asked so what happens when something goes wrong and somebody comes in and says you didn't meet even the standards. What they've done is take a standard that said it could be a half-foot for sixty, threw out the sixty and threw thirty on there and kept the half-foot, because the half-foot meets it under that requirement. That's taking just a part of the standard and applying it to the whole standard, which in my view you can't really do.
- Councilmember Pawlowski asked legally, say something happens, what happens if we don't follow our own rules.
 - City Attorney Gregory Robinson replied you get sued, but the caveat to that is that you're going to get sued no matter what anyway, so whether you do it right or do it wrong you're still going to get sued, its just a matter of the potential liability.
 - City Administrator Tim Vandall stated like I said guys we had twenty-five people at a meeting just a couple of years ago complaining about a drainage problem that we didn't even create, so keep that in mind if there is five or six inches of rain, it doesn't matter if it's a one-hundred year storm, you might get a one-hundred and one year storm, I think we need to be a little bit reasonable, but that's your call.
- Councilmember McNeill stated my other question has to do with the traffic study, so the original traffic study was done in '05 so thirteen years ago, it was basically counting numbers on Eisenhower.
 - City Administrator Tim Vandall stated the previous traffic study was based on an assisted living complex on the property.
 - Councilmember McNeill stated okay, but coming out where, what main roads was the study based on. I was trying to do the numbers but the numbers you have in there don't make any sense to me because the missing number is the actual estimate of peak trips in the study. Whether that was the max for the old one, the max for the new one and a ninety-one percent reduction.
 - City Administrator Tim Vandall replied that verbiage was from the Planning Commission meeting, so I mean I'd have to double check that. We do have the traffic study here, but basically what I wrote was from the Planning Commission meeting where it was approved.
 - Councilmember McNeill stated since we have another road coming out on DeSoto; DeSoto is packed I take it every morning, this shows a peak of something in the p.m., I didn't see an a.m. peak number, normally there is a morning one and an evening peak, so I'd like to see the original study, I have no idea.
 - City Administrator Tim Vandall stated we've got it on file if you want to request it.
 - Councilmember McNeill stated it says the Planning Commission unanimously approved it, but they had conditions in the approval that I didn't see. One was that the responsibilities will be covered in the FAU, I didn't really see that. Does anybody know what paragraph that was?

- City Administrator Tim Vandall replied there were three conditions to the Planning Commission's approval.
 - Councilmember McNeill stated it did address one that had to do with occupancy, only it was actually stated as no building permits will be issued until the sewer project was completed.
 - City Administrator Tim Vandall stated that is updated in the Facilities Use Agreement.
 - Councilmember McNeill stated but that states occupancy permits which are different from building permits.
 - City Administrator Tim Vandall replied you can't have an occupancy permit without a building permit.
 - Councilmember McNeill replied true, but why is it written in there that way. I'm saying if we're going to have conditions from the Planning Commission that says we approve this with these conditions and then we don't say what the conditions are and we don't cover them in the FUA.
 - City Administrator Tim Vandall stated I put the Planning Commission minutes in there and on page three and four of the Planning Commission minutes it says pretty clearly what the three conditions are.
 - Councilmember McNeill stated in the FUA those should be included.
 - City Engineer Matt Harding stated I think those were there was insufficient sewer capacity to sewer this project, so they wanted to make sure that the sewer was built, which we have plans to build the sewer to the subdivision. They wanted to make sure that was built so it could service this area, I think that was the reason this was brought about building permits and occupancy permits, I don't remember the exact wording.
 - Councilmember McNeill asked it had to do with sewer capacity.
 - City Engineer Matt Harding replied it had to do with the sewer capacity.
 - Councilmember McNeill stated right, I've got that piece, but the pond one I'm still stuck on. Is the pond, who owns the pond? When the pond overflows in a hundred-year flood that happens ten years from now, and the pond wall falls apart, who's got the pond?
 - City Administrator Tim Vandall stated it's the property of the medical facility.
 - Councilmember McNeill stated okay, I think it should be listed in there who has responsibility with the pond in the facilities use agreement.
 - Councilmember Pawlowski stated I have heartburn with the forty-thousand dollars for Kane. I've talked about it before we still have to do Kane, and it's still a gravel road, there are still three properties on it. We gave the developer money when we went through the DeSoto Road project, we made them an offer they didn't like it, we gave them more money. Kane still has to be paved and we're not a big city, 3.2 million dollars a year in property taxes is all that we get and I just really have heartburn with the forty-thousand dollars.
 - Councilmember McNeill stated I have a question on the sewer, the eight housing occupancy, Tony you're totally good with that. If the project doesn't get completed and we get eight families in there and then all of a sudden, we start having issues on the sewer backing up on the other side.
 - Wastewater Utility Director Tony Zell replied I think the City showed good faith and we're willing to move forward doing that sewer improvement project. We're making good progress on it, it's just trying to work out the timing of accommodating this development and also accommodating the sewer improvement project to get those flows. I've talked with Tim about it and we've got a flow meter downstream of that location that I've been monitoring to keep an eye on those flows, to see if there are indeed issues and I haven't seen any thus far. Again, trying to figure out exactly the developers timing, being ready to issue occupancy permits in the spring of next year is about the time we finish up with our sewer project.
 - Councilmember Kirby asked where are we at, are we still in the design.
 - Wastewater Utility Director Tony Zell replied we are currently under design. We met today and went through alternative review and we're meeting with the golf course next week, we should have sixty-percent plans in the next forty-five days, and we'll start

easement work here very shortly; we've got a pretty compressed time schedule, but we're trying to hit the November 1st start date.

- Councilmember Kirby stated if I'm understanding this right, currently it would take care of eight houses.
 - Wastewater Utility Director Tony Zell replied the flow study that was done indicates that there is not capacity to service any additional flows, which is the reason why we looked at the timing of when this comes on board versus when we will be ready to accept it.
 - Councilmember Kirby stated so it's going to be realistically how long for the sewer line gets done?
 - Wastewater Utility Director Tony Zell responded I would say less than a year from right now. We have to be through the golf course through March, that is what we promised them on the project so that's near the end of the project so I would consider April or May to be realistic, all factors considered.
 - Councilmember Kirby asked cost estimates on this are eight-hundred.
 - Wastewater Utility Director Tony Zell responded we'll have a cost estimate update here for you in the next forty-five days. We looked at some challenges that we've discovered trying to get across K-7 Highway and trying to shoehorn this thing in between twelve inch water lines, thirty-six inch storm sewer lines, and actually going across K-7 diagonally, we met with KDOT today as a matter of fact, so we're evaluating all options to try to facilitate getting this done as fast as we can.
 - Councilmember Pawlowski asked so you think it's going to be more than eight-hundred thousand dollars.
 - Wastewater Utility Director Tony Zell stated the eight-hundred thousand dollars, just to clarify, was for the original project 1, through the golf course and then up to Marion Drive. With the addition of all of the improvements east of K-7 Highway and going out south across the golf course and picking up the additional diverted flows from the Willows, that runs alongside Fairway Estates, it is going to add to the cost. So it is not going to be eight-hundred thousand dollars, it will be more than that and we'll have an update and cost estimate to you soon.
 - Councilmember Pawlowski stated I thought we were going to do this project at the same time as the other project.
 - Wastewater Utility Director Tony Zell replied we will be doing this project in the golf course section, this is probably the easiest way to think about it, take the existing golf course project that we looked at which runs right through the middle, pick that up and move it all the way to the south property line.
 - Councilmember Pawlowski asked so we're not going through the golf course anymore.
 - Wastewater Utility Director Tony Zell replied we are going through the very south property line right behind the homes on Woodland.
- Councilmember Pawlowski asked but we're designing the other one right.
 - Wastewater Utility Director Tony Zell stated correct, because as things change we want to be able to have that flexibility to service the golf course and any other properties that would develop around there.
 - Councilmember Pawlowski stated so we're not doing the one that goes down the middle we're doing it along the south, and that one was 2.2 and you think it will be more than 2.2?
 - Wastewater Utility Director Tony Zell replied I have no idea to be perfectly honest with you. I'm not going to stand here and spout guesses and then be wrong, but that's what GBA told us.
 - Councilmember Pawlowski stated the challenges that you referred to a few minutes ago would add to that cost.
 - Wastewater Utility Director Tony Zell replied potentially, and again we worked with and met with KDOT today to try to figure out how to

minimize those conflicts, but we have a business that's right there at the south entrance to the subdivision, well Greg's place, and then we've got the entrance to Woodland, and then we've got La Mesa, and a very large storm water structure that crosses K-7 right there, and now we're trying to get from the north side of the homes on Woodland to basically the parking lot of La Mesa and KDOT is even willing to let us do a not perpendicular crossing, which is very unheard of because they understand the challenge, there's really not another way to do it.

- Councilmember Pawlowski asked does your sewer utility have 2.2 million dollars to spare.
 - Wastewater Utility Director Tony Zell replied it might.
 - City Administrator Tim Vandall stated I thought I talked to you guys a little bit about this, that if the project is 2.8 million dollars we could probably pay seven or eight hundred thousand dollars of it up front. We have a nine-hundred thousand dollar payment dropping off in five or six years, so we can wrap our debt around our wastewater treatment plant dropping off. That's why I told you guys at a previous meeting that I think we can do something like this without raising our wastewater rates.
- Councilmember McNeill stated what I heard you say though is that we have no capacity right now.
 - Wastewater Utility Director Tony Zell replied according to the engineering study it does not. But I will tell you that that's theoretical and based on a model that is widely accepted. I've looked at the video of the twelve-inch pipe through there, we just had it cleaned and videotaped and there is less than an inch of water flowing through it, and the choke point that we always talk about over there between there and K-7 Highway, is there is forty feet of fall. There is a lot of velocity that gets picked up there and the flow meter that is at the end of it is registering about an inch of flow right now and it's not even up to two inches, so we've had three and a half inches of rain. Again, we're trying to come up with ways to solve this very unique situation and also accommodate growth and trying to do so as responsible as possible.
 - Councilmember McNeill stated we've been bitten so many times trying to accommodate growth.
 - Wastewater Utility Director Tony Zell state this is a policy decision.
 - Councilmember McNeill stated it is and the reason behind doing stuff that doesn't make sense as a reason to get more growth, I'm not going to accept that normally, but that's what I want to know, right now we're saying there is no capacity access, but in our thing we're going to let eight homes go in there.
 - Wastewater Utility Director Tony Zell stated there is a potential to.
 - Councilmember McNeill stated okay I got it, thank you Tony.
 - Mayor Smith asked when are those lines going to come on connection.
 - Wastewater Utility Director Tony Zell replied I hope to be done by this time next year.
 - Mayor Smith stated and we're looking at the housing thing to not be until next year also, is that correct.
 - Dan Carr Developer for Eisenhower Crossing Subdivision stated actually the timing is quite good on the sewer. If you think about our progress and what happens, we've got to get the approval, hopefully, from you guys, and then we've got to go build streets and sewers, and everything else that goes into this subdivision, then we've got to get a permit to build the house, and then we've got to get our final certificate of occupancy. We're past when that sewer will be done. These homes will take six or seven months to build and it will take at least three to four

months to get the subdivision going, so if you're saying it's a year out, we're further than that out from delivering homes. We can't get, to go back to the question about permits versus occupancy, the certificate of occupancy isn't until later. It's when the home is done, so we can't get our C.O. until after the sewers in place if you're timeline holds. So we're past that.

- Councilmember McNeill stated that's a good comment, however then why do we have eight in there?
 - City Administrator Tim Vandall replied that is just something we had discussed, but I mean going back to what Tony had said, that comes from his having a camera in that line and seeing sufficient capacity. But if it's a timing deal, I don't know if we can modify the number or change the date or something like that. That sounds like something we can talk about if you guys are further out than that anyways.
 - Dan Carr Developer for Eisenhower Crossing Subdivision stated if the sewer truly is, see the problem we've got is how do you start homes if you don't know when the sewer is going to be done and delivered. We can't get in there and start and stop, you've got to keep the momentum going, so we just have to have a good working relationship with the City.
- Councilmember McNeill stated we're putting in the sewer to support the thing, so we're doing due diligence to actually improve that area and the sewer. I just don't like the fact that we might have occupancy before we actually get the sewer done, and that's what it says in the agreement, which I think is kind of not a smart way to go. Because if it does happen we get delayed, you could put houses in there and have occupants in there, and then we have a flow problem. Springtime when we have rain and extra flow in there and then we're going to have the folks that are down on the east side in the same trouble they are in right now, which is why we're trying to improve stuff going further east.
- Dan Carr Developer for Eisenhower Crossing Subdivision stated if I can address a few other questions that came up, Tony you had a couple of these; one is the traffic study, where it dumped out, if you remember back when we were going through that, it was actually Kane was going to get developed so the traffic was dumping out onto DeSoto. So it's going to the same spot, it's just a difference between Progress and DeSoto, is where it's coming out at. The capacity, the density has actually gone down from when we had the assisted living, so what we had in there, the question came up really early it was duplexes and was actually had transitional houses someone brought up. We had the assisted living facility transitioned into villas and then into the neighborhood next door, and so our density actually dropped from what we were back in the year we were doing that, but the traffic goes out into DeSoto. Progress, we were talking about Progress versus Kane. We own the medical building, we own the retail that is there, the complaint that we get on the medical is when you try to exit Progress onto Eisenhower, it's dangerous, and so we think adding that exit out on DeSoto is going to help our occupants of the medical building as they are important to us, and to address your question about traffic in the morning on DeSoto, we think the completion of Progress people will be able to cut through if they were going to take a right turn coming off Progress, they won't have to go to the light, they can actually come down through Progress and take a right out towards K-7.
 - Councilmember McNeill stated a little further east you can't even see the cars coming off the rise, off of Pebble Beach there, so that's a much better thing. You still have a better shot coming out of Ichiban then you do further down.
 - Dan Carr Developer for Eisenhower Crossing Subdivision stated right now, coming out of Progress is dangerous and we think that the improvement of Progress and the reason we're really looking at this because the money you guys are spending on DeSoto, that's really what's driving us to move forward on this project. You talk about economic development, we're here to do economic development, we've been sitting on that ground a long time, we're trying to think of good solid uses and we think that the residential is going to help drive our use for retail and hopefully drive another office building going in there and help fill up our existing office building and drive more retail. Rooftops bring that kind of stuff and so when we started thinking about what we do with that back parcel, it just was screaming to us, it was on the pond, that's a great amenity, it's on the trails, it's got that amenity, the residential is going to drive other uses in there, and so it was really an economic development decision for us to move forward with this project. The project itself, it was professionally engineered, it's not something I put together, so they worked hand in hand with the engineers to make sure that

things are going to work right. That's what they do, these guys design subdivisions all over the city and so we've taken almost a year now, working through the design of this thing. We don't want an issue with our pond and issues with the neighbors downstream, so that was very important to us when we started working on this. We took a lot of time and worked hard on trying to get a design that works for not only us, but for the City and we think we've accomplished that. Hopefully you take these comments and we want to move forward with the project, we want to move forward in a timely fashion where the sewers work and everything works together, get Progress improved and we know DeSoto's getting improved and make some things start to happen out there. We appreciate the time and look forward to hopefully positive decision.

- Councilmember Kirby stated I've got a couple other things. What you say with this other guy, the third party, you are up front that these do not meet our standards as far as that goes, is there any other thing different, easement or anything like that on the book there.
 - Public Works Director Jeff Rupp responded basically he was referring to his review on one of our questions was how difficult would it be to allow the half foot freeboard which was the item of discussion at that time versus what our requirement is which is a foot freeboard for a hundred-year storm, and after they reviewed the plans as to what effect it would have, obviously any change there is going to be an effect, their opinion was that overall it wouldn't, there would be no harm to the subdivision one way or another.
 - Councilmember Kirby stated I get the half foot and all that, is there anything else on here in this whole plan that doesn't meet our standards, besides this? Is the property easement being taken care of, those kind of things, is this the one thing?
 - City Engineer Matt Harding replied no sir it's not. There is a structure four forty dash seven that is supposed to pick up water on the north side of Progress drive about six acres and bring it to the south side and bring it along here to the pond. The structure is just the end of a pipe, there's no flared end section, there's no rip rap, both APWA and we require it and right now the pipe is buried several feet underground and water can't get in the pipe and that's a problem. So I pointed it out in my last comments and the engineer should be aware of that. It's right over here and the pipe is just plugged, so that's a problem.
 - Public Works Director Jeff Rupp stated I'll just add that the discussion was had and we were trying to get the final revision on the plans about that very thing he was talking about. The design engineer realizes that he left the end section piece off and rip rap. They intend to build that, that was a verbal discussion, but he is correct it is not on there.
 - Councilmember Pawlowski asked is there anything else Matt.
 - City Engineer Matt Harding stated I was going to say on the plat, typically on a plat we would get everything that's going to be platted, everything that's going to be built on one drawing and we have two drawings here we're showing where the houses are going to be and then we have this section of Progress Drive. The only difference this would make when you go to the County for records, all this would be in one place so any surveyor needing information, this would be on one document. It's on two documents here and also some easements that aren't shown here will be a part of this and they are all separate, so I'm not sure how many documents there are, but there are a bunch of different documents instead of having it all on one document, so future development, the surveyor would get all those documents at one time.
 - Councilmember Pawlowski asked but that doesn't have Kane on there, right.
 - City Engineer Matt Harding replied no, Kane was not, it's on the bottom here, it's called Kane here, yes on this plat, which stops at the western edge. But this one does not involve Kane, the one with Progress Drive.
 - Public Works Director Jeff Rupp stated one thing I might add to what Matt was saying it is best to have it combined on one plat instead of split like that, but

what will happen is when these two arrows are platted, this road will show up on those plats. Unfortunately it will have the meets and bounds description probably in there, but it will be shown on those plats, so that will take care of that problem.

- Mayor Smith asked anything else. We have a motion and a second.
- Councilmember McNeill stated I'd like to have the eight occupancy stricken from the thing as a change, then I'd probably be okay with it.
 - City Administrator Tim Vandall asked are you okay with that Dan.
 - Councilmember Kirby asked what did you say Tony.
 - Councilmember McNeill replied take the eight out for the sewer, the occupancy.
 - City Attorney Gregory Robinson stated just for clarification Mr. McNeill, you're talking about the occupancy, do your comments have any direction to the issuing of a building permit to start the project.
 - Councilmember McNeill stated no occupancy permits until the sewer is completed.
 - City Administrator Tim Vandall replied I got that.

Councilmember Garvey withdrew his second.
Councilmember Kirby withdrew his motion.
The motion was withdrawn.

Councilmember McNeill moved to approve the Eisenhower Crossing Phase 2 Facilities Use Agreement containing the modified verbiage removing the allowance of 8 homes being occupied on the current sewer system and including verbiage that no occupancy permits will be issued until the sewer expansion is completed. Councilmember Studnicka seconded the motion.

- Councilmember Buehler stated what is this committing us to.
 - Councilmember Garvey stated to not letting them build until the sewer is done.
 - Councilmember Pawlowski stated it's the facilities use agreement.
 - City Attorney Gregory Robinson stated it's basically saying they cannot occupy these eight structures, well they cannot get an occupancy permit to occupy the structures for the use as the structure until such time the sewer is complete and reaches them.
 - Councilmember Buehler asked after they build all the streets and do all that stuff.
 - City Attorney Gregory Robinson replied yeah that's coming first. They can build the structure, but by this meeting the developer knows that by the facilities use agreement that they can build the structure and pull the permit, but they cannot get an occupancy permit for a resident or tenant to occupy for use until that sewer is connected.
 - Councilmember Garvey stated so they won't be living it, flushing toilets, taking showers, stuff like that.
 - Councilmember Buehler stated I get all that, so we are committing to fifty-two thousand dollars, forty and twelve, plus fixing the sewer so that; expanding the sewer so that it can handle the flow, that's what this document is committing us too.
 - Councilmember Brungardt replied yes.
 - City Attorney Gregory Robinson stated to this development so that...the only difference in this is you've got simultaneous things happening. If the sewer was already in and all that, that would not be a consideration, but obviously you're working hand in hand with this developer to try to somewhat come together and seamlessly, we get there first and he's ready.
 - Mayor Smith stated you're absolutely correct Greg.
 - Councilmember Kirby asked so this leaves the swales, that's the only thing we're changing. The swales in the backyards stay.
 - Councilmember Brungardt stated yes.

- Councilmember Kirby stated it's a simple yes or no question, the swales stay as currently designed, under this motion.
 - Public Works Director Jeff Rupp stated yes.

The motion was approved, with Councilmembers Brungardt, Kirby, and Pawlowski voting against the motion.

Eisenhower Crossings Subdivision Final Plat Approval: Councilmember Studnicka moved to approve the Eisenhower Crossing Phase 2 Plat, as presented. Councilmember Trinkle seconded the motion. The motion was approved, with Councilmembers Kirby and Pawlowski voting against the motion.

Eisenhower Crossings Subdivision Acceptance of Engineering Documents: Councilmember Garvey moved to approve the Eisenhower Crossing Phase 2 Engineering Documents, as presented. Councilmember Studnicka seconded the motion.

- Councilmember Pawlowski asked so these engineering documents do not meet our technical specifications right Matt.
 - City Engineer Matt Harding replied that is correct.
- Councilmember Studnicka asked are we going to make them put it all on one document like Matt was talking about.
 - City Engineer Matt Harding replied are you talking about the engineering documents, the engineering documents are street storm plans, that's the plat.
 - Councilmember Studnicka stated okay you were talking about the plat, gotcha I'm good.

The motion was approved, with Councilmembers Brungardt, Kirby, and Pawlowski voting against the motion.

Executive Session – Consultation with Attorney: Councilmember Kirby 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)(2) for 45 minutes, beginning at 8:13 p.m. and returning to the Council Chambers at 8:58 p.m. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

Councilmember Kirby moved to return to open session at 8:58 p.m. 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 mentioned that due to the recent rain, parking will be different for Lansing DAZE. Folks will need to park at the high school and take the shuttle to the park on Friday. Based on a request to have a meeting with the school district, Dr. Stufflebeam has confirmed that June 21st at 6pm will work for them. So the City will have a special meeting on June 21, 2018 at 6pm to have a joint meeting with USD 469. Tim stated that based on staff feedback and department head discussion regarding health insurance, there was general consensus to switch health care carriers to Aetna.

Governing Body: Mayor Smith reminded folks to attend Lansing DAZE and the fishing derby the following weekend.

Councilmember Brungardt hoped people could come out for the Lansing Education Foundation breakfast. The group provides many great things for the school district.

Councilmember Buehler provided a fun fact, on this day in 1937, *Gone with the Wind* won the Pulitzer Prize for fiction.

ADJOURNMENT: Councilmember McNeill moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was unanimously approved. The meeting was adjourned at 9:00 p.m.

ATTEST:

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk