

# **CITY OF LANSING**

## **CITY COUNCIL MEETING**

**REGULAR MEETING MINUTES**  
**July 7, 2022**

### **Call To Order:**

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

### **Roll Call:**

Mayor McNeill called the roll and indicated which Councilmembers were in attendance.

### **Councilmembers Present:**

**Ward 1:** Gene Kirby and Dave Trinkle

**Ward 2:** Marcus Majure and Don Studnicka

**Ward 3:** Kerry Brungardt and Jesse Garvey

**Ward 4:** Gregg Buehler and Dan Clemons

**Councilmembers Absent:** None

## **OLD BUSINESS:**

Approval of Minutes of the Regular Meeting of June 16, 2022 as presented:

**Councilmember Buehler made a motion to approve Regular Meeting Minutes of June 16, 2022 as presented. Councilmember Garvey seconded the motion. No discussion took place. Roll Call Vote: Aye: Councilmembers Kirby, Majure, Garvey, Buehler, Clemons, and Studnicka; Nay: none; Abstain, Councilmembers Trinkle and Brungardt; Absent: None. The motion was approved**

Approval of Minutes of the Special Meeting of June 23, 2022 as presented:

**Councilmember Majure made a motion to approve Special Meeting Minutes of June 23, 2022 as presented. Councilmember Kirby seconded the motion. No discussion took place. Roll Call Vote: Aye: Councilmembers Trinkle, Kirby, Majure, Garvey, Clemons, and Brungardt; Nay: none; Abstain, Councilmembers Studnicka and Buehler; Absent: None. The motion was approved**

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

### **Presentations:**

None

## **COUNCIL CONSIDERATION OF AGENDA ITEMS:**

Planning Commission Appointment. Brian Payne has applied for appointment to the Lansing Planning Commission to serve a three (3) year term ending on April 30, 2025.

**Councilmember Clemons made a motion to approve the Lansing Planning Commission re-appointment of Brian Payne for a term ending on April 30, 2025. Councilmember Majure seconded the motion. No discussion took place. Roll Call Vote: Aye: Councilmembers Trinkle, Kirby, Majure, Garvey, Buehler, Clemons Brungardt and Studnicka; Nay: none; Abstain, None; Absent: None. The motion was approved**

Board of Zoning Appeals application. Tim Cahill has applied for re-appointment to the Lansing Board of Zoning Appeals to serve a three (3) year term ending on April 30, 2025.

**Councilmember Garvey made a motion to approve the Lansing Board of Zoning Appeals re-appointment of Tim Cahill for a term ending on April 30, 2025. Councilmember Buehler seconded the motion. No discussion took place. Roll Call Vote: Aye: Councilmembers Trinkle, Kirby, Majure, Garvey, Buehler, Clemons Brungardt and Studnicka; Nay: none; Abstain, None; Absent: None. The motion was approved**

Aquatic Center Ballot Resolution and Sales Tax Election Documents. The City Council has expressed a desire to allow citizens to vote and decide whether to proceed with a new aquatic center at the corner of West Mary and Bittersweet. If approved, this resolution would put the question below on the general election ballot for November 8, 2022. While the City has conceptual designs at this time, if Lansing voters approve the sales tax issue, true design engineering will begin immediately. The City has been working with Waters Edge out of Lenexa, Kansas on preliminary conceptual design.

Collections of this sales tax would commence on July 1, 2023. Lansing's current sales tax rate is 8.95%; if approved by citizens, Lansing's new sales tax rate would be 9.4%. For comparison, Basehor's sales tax rate is 8.5%, Tonganoxie's is 9.25%, and Leavenworth's is 9.5%. Other sales tax jurisdictions further south exceed 10% (It is worth noting that Lansing currently has a 1% Community Improvement District for Mainstreet Chrysler Dodge Jeep Ram, so the sales tax rate on that parcel would be 10.4%.

It is worth noting this sales tax issue would only pay for the bond on construction of the new aquatic center. This bond issue would not pay for annual operating expenses or address annual revenue shortfalls. If approved by voters, guests at the aquatic center would still need to pay daily admittance fees and/or seasonal passes.

**Councilmember Buehler made a motion to approve Resolution No. B-8-2022, a resolution authorizing and providing for the calling of a Special Question Election, the question of imposing a 0.45 Percent (.45%) Citywide Retailers' Sales Tax for the purpose of financing the costs of certain public improvements; the issuance of Sales Tax/General Obligation Bonds; and providing for the giving of notice of said election. Councilmember Garvey seconded the motion.**

Discussion included Councilmembers Studnicka, Clemons, Trinkle and Studnicka asking about the pool and splash park, will there be both? What is the timetable of the splash park installation? Mayor McNeill explained that the splash park is part of the Parks Master Plan, which is a different project. This is not going to pay for the splash park. The pool and the splash park will be in different locations.

Councilmember Studnicka asked if the pool design and information about the vote will be on the City's website, and in the newsletter. City Administrator Vandall responded that yes, it will be in the upcoming Lansing Connection.

Councilmember Kirby asked if the city was paying to put this on the ballot, to which Mr. Vandall said yes, but it's minimal since it is a general election.

Mr. Kirby explained that this only pays for building the pool, not the staffing or maintenance.

Councilmember Majure discussed the number of lanes, regarding hosting swim meets. Discussion occurred.

**Roll Call Vote: Aye: Councilmembers Trinkle, Kirby, Majure, Garvey, Buehler, Clemons Brungardt and Studnicka; Nay: none; Abstain, None; Absent: None. The motion was approved**

Ordinance No. 1085 - Sewer and Solid Waste Assessments. Pursuant to Chapter 16, Utilities, Section 16-116 and 16-209 (e) of the City's Code of Ordinances, a copy of Ordinance No. 1085 listing the account name, property address, and delinquent amounts for customers whose accounts are at least two (2) months past due is attached for your review. Upon adoption by the City Council and subsequent publication in the Leavenworth Times, this Ordinance shall constitute a lien against the real estate for which service is supplied. Fifty-eight (58) properties with a total delinquency of \$105,320.39 are listed on the ordinance. Staff does not submit this ordinance for assessment until August 25, 2022. Residents are given the opportunity to be removed from the Ordinance by setting up a payment plan with the city before that date. Unfortunately, some residents default on their payment plan after the Ordinance has been published and submitted to the County for assessment against the

property. Staff has informed each resident interested in setting up a payment plan that the account will be submitted to a third-party collection agency if the resident misses a payment.

**Councilmember Buehler made a motion to adopt Ordinance No. 1085 for assessment of delinquent sewer and trash bills. Councilmember Kirby seconded the motion.**

Discussion included Councilmember Studnicka asked if the city was still sending delinquent amounts to a collection agency. Finance Director Beth Sanford explained that the amounts listed on this ordinance will go to the County for tax assessments, but typically the people who are renters get sent to collections. Councilmember Trinkle asked if this was an effective method, to which Ms. Sanford responded that this year the City will be sending a letter informing the delinquent account holder what will be done, along with the quarterly delinquency notices, and they get a bill every month with the balance on it. Ms. Sanford stated that they have a 98% collection rate with this process since it is tied to their property taxes. It is just collected a year later. Ms. Sanford explained that the city encourages people contact us, so they could get on a payment plan. Discussion occurred.

**Roll Call Vote: Aye: Councilmembers Trinkle, Kirby, Majure, Garvey, Buehler, Clemons Brungardt and Studnicka; Nay: none; Abstain, None; Absent: None. The motion was approved**

## **REPORTS:**

**Department Heads:** Department Heads had nothing to report.

**City Attorney:** City Attorney had nothing to report.

**City Administrator:** City Administrator Tim Vandall explained that when the budget work session was held a couple of weeks ago, one of the capital and supplemental items that was included was engineering and design of the repair of the Town Centre retention pond walls, the wall by Exchange Bank has had some issues a couple of years faster than we were hoping for. The issue has sped up the designing and repairs that we already had plans for. Mr. Vandall has spoken with City Engineer Spickelmier on that.

Mr. Vandall also updated the Council regarding several questions that we got last week about fiber internet installation in Lansing. Mr. Vandall had a meeting earlier with Community and Economic Director Matt Schmitz, City Engineer Mike Spickelmier, and PIO Ken Miller to discuss the installation of the fiber internet. The city shared a drawing done and explained that many of the questions revolved around digging in yards and such. City Engineer Spickelmier shared a map with the permitted fiber routes that are happening now with both Clearwave and AT&T. More than 50% of the city is permitted now. A lot of questions that have come up are how easements work. Mr. Spickelmier explained that there are public utilities of which fiber optic cable is telecommunications. They are authorized to share our easements, and they are coming in to pull permits to work on them. Item #13 of our permits says: All areas disturbed by construction shall be fertilized and sodded in accordance with the City of Lansing technical specifications. No bare spots are to be left, or leave it torn up. Now the contractors have a \$10,000 bond with the city. Currently it is per contract, not necessarily per permit. We are having discussions on whether we should interpret that to say per permit to have a stronger stance if necessary. This is not the right time to seed. That is more in the fall when the weather is cooler and there is more moisture. Commissioner Garvey asked what to do if people don't want to look at bare dirt for three months. Mayor McNeill asked if something could be put in the Lansing Connection about this as well. Community and Economic Development Director Matt Schmitz explained that the company is trying to cut the sod and then lay it back over when they are done. This still requires water to grow.

Councilmember Studnicka asked if AT&T are moving their fiber into the city. Mr. Schmitz answered that yes, AT&T is. Mr. Schmitz discussed the map of permitted and applied for work that they provided. Discussion occurred.

Councilman Garvey asked if the city has heard much from AT&T to which Mr. Schmitz and City Administrator Vandall answered no, just the permit requests. Mr. Garvey said that some of the issues he has heard of is about irrigation. There was discussion about the right-of-way, who owns it, and that the property owner maintains it and has a feeling of ownership. There were suggestions about putting all of the explanations regarding right-of-way, utilities and the work going on in the Lansing Connection, along with the drawings that were shared. Discussion occurred.

Councilmember Majure asked City Administrator Tim Vandall if he still does the "Coffee with the Administrator"? Mr. Majure asked if we could do something like that again, address the questions, record it so people can watch it and it would explain it? Mr. Vandall said yes, we could talk about this, and the aquatic center. Mayor McNeill asked if it could be a "Movers and Shakers"? Discussion occurred.

Councilmember Kirby said that he wanted to address the bond issue, he agrees that if the company doesn't repair what they dug up, \$10,000 doesn't touch what the cost of repairs could be. Mr. Spickelmier said to clarify whether we take a bond per permit versus a bond per contract. These permits are unique, they usually pull permits to deal with one line rather than these blanket permits that are just covering the entire system.

CED Director Schmitz explained that he met with the supervisor for Clearwave for construction for the entirety of the United States this morning, while he was in town, as well as the supervisor that's over this project in Lansing and the rest of the state of Kansas for their projects. Mr. Schmitz said that the company realizes that if they mess this up when they're doing the construction then they have lost that customer, as well as whomever that customer tells. Mr. Vandall also mentioned that they still have outstanding permits that will not get approved if they don't do the repairs necessary. Discussion occurred. Mayor McNeill thanked everyone for the information and stated that we need to get the information out to the citizens.

### **Governing Body:**

Councilmember Trinkle, nothing.

Councilmember Kirby thanked Matt and everyone for the Independence Day celebration, great day, great events and great fireworks. There were a lot of people that would like to see the event stay in Town Center, ease of getting in and out, a little bit more room, more room for the food trucks. Great job, great attendance. Everyone who participated and worked it, thank you.

Councilmember Majure echoed what Mr. Kirby said it's a lot of hard work and months of preparation ahead of it, and a lot on the day of execution, sunrise to well after sundown. He also thanked Brian Payne for coming and thanked Mr. Payne and Tim Cahill for volunteering to serve on the City Boards. He wanted to remind everyone that COVID numbers are on the rise, but for those who are vaccinated, there are no hospitalization numbers rising. It feels like the flu, knocks you out for three or four days, and you're back on your feet and doing well. So if you haven't got the vaccine, don't believe in it, you may want to now because we're back to high again across our local communities,

Councilmember Garvey also thanked Brian and Tim for volunteering, we appreciate everything that you do. He also echoed everything everyone said about the fourth of July festival. It was a great time. He would disagree with one thing that Gene said. He doesn't want that at Town Centre. He wants that property developed. Mr. Garvey said that he wished there would have been more benches or bleachers for sitting and eating, or maybe a tent or eating area.

Councilmember Buehler addressed Public Works Director Spickelmier about his neighborhood, where they are patching holes, and where the curbs are falling apart. There'd be a curb that had a major hole, and the little hole next to it got patched. Are they going to go back and patch the rest of those or was that just extra stuff that they had, and they patched it with that? Mr. Spickelmier replied that there's a lot of patching going on right now all over the city. At this point we are trying to focus on 147<sup>th</sup> Street, getting it all patched up before the contractor does the overlay, but then we're going to be patching all summer. As long as they're making asphalt we're going to be patching.

Mr. Buehler reiterated what everyone else said, it was a great show. He's had multiple comments about how that was the best fireworks show people have ever seen, and that we should book them again next year, already. A lot of comments on the location, and a lot of comments on the date. People were actually glad that we do it before the 4<sup>th</sup> of July because it lets them spend time with their friends and local family and then they travel on the 4<sup>th</sup>. Great job by everyone on the staff. Brian and Tim, thank you for volunteering.

He also provided a fun fact. On this day in history in 1928, sliced bread was sold for the first time by the Chillicothe Bacon Company in Chillicothe, Missouri.

Councilmember Clemons thanked the volunteers, we appreciate it very much. Chief, he saw your new Police Officers out there, he was impressed, he talked with a few of them.



Councilmember Brungardt said that the fireworks were awesome, thank you. He also said that it is so good when Matt and Mike present, you're concise, you get to the point, you explain things, he really appreciates that.

Councilmember Studnicka thanked the volunteers, and ditto on the 4<sup>th</sup> of July celebration and thanks for all the hard work that the staff put in on it. He has one complaint, the semi-trailer parked out here on the city street. We talked about this before. Are we doing anything about that? What do you need to do, do you ticket the company? City Administrator Tim Vandall said that he would double check, that he knows that Mr. Spickelmier went out and spoke to one of the drivers about a month or two ago, and we could discuss maybe making it a no-parking zone. Mr. Studnicka asked if we could charge them a fee. Mr. Trinkle asked if we could put up a no-overnight parking sign. City Attorney Greg Robinson said that when he came over to meet with Tim today, he saw the driver unhook it and drive away and leave the box truck out there. Mr. Studnicka said that maybe we ought to either ticket them or maybe charge them a fee for leaving a trailer. Mr. Garvey said that there is an ordinance against it, and that there's a weight limit. Mr. Studnicka stated that we have an ordinance because we don't want the 92,000 pound plus vehicles on city streets, like in the neighborhoods. He said that we had this problem years ago, and the citizens that are over the road drivers, when they come home they've been leaving their tractor and trailer parked outside of town or someplace where they have permission to park. Mr. Garvey said that they had discussed that when they discussed RV's and boats. Mr. Studnicka said that it came up at the same time because there happened to be a truck sitting there that night. CED Director Matt Schmitz said that what they are referring to is 12,000 pounds is the limit now. The property across the street is zoned R-3, which means that it's residential zoning, typically for purposes of that code would extend to the center of the road, so technically he is parked in a residential area with a vehicle that is more than 12,000 pounds right now. He said that he spoke with Code Enforcement Richard Fairbanks today, and we need to figure out since that is parked on the street. Is that something that Richard does, or is it something that the Police Department would do? Discussion occurred.

#### **ADJOURNMENT:**

Councilmember Studnicka made a motion to adjourn. Councilmember Buehler seconded the motion. Roll Call Vote: Aye: Councilmembers Trinkle, Kirby, Majure, Garvey, Buehler, Clemons Brungardt and Studnicka; Nay: none; Abstain, None; Absent: None. The motion was approved. The meeting was adjourned at 7:59 p.m.

**ATTEST:**



City Clerk Tish Sims, CMC