

CITY OF LANSING

CITY COUNCIL MEETING

MEETING MINUTES
August 3, 2023

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 Kevin Gardner

Ward 2: Marcus Majure

Ward 3: Jesse Garvey

Ward 4: Dan Clemons and Gregg Buehler

Absent: Don Studnicka and Kerry Brungardt

OLD BUSINESS:

Approval of Minutes of the Regular Meeting of July 20, 2023, as presented.

Councilmember Buehler made a motion to approve Regular Meeting Minutes of July 20, 2023, as presented. Councilmember Garvey seconded the motion. No discussion occurred. Roll Call Vote: Aye: Councilmembers Clemons, Gardner, Kirby, Majure, Garvey, and Buehler. Nay: none; Abstain: none; Absent: Councilmembers Studnicka and Brungardt. The motion was approved.

Councilmember Brungardt arrived at 7:01pm.

Audience Participation:

Janet Campbell, Covington Woods Apartments, expressed concerns regarding the development of Covington Woods II. Ms. Campbell stated that the majority of the first-floor residents are handicapped or on social security. Stated that her two-bedroom apartment had a \$602 electric bill. The two residents that live near Ms. Campbell had electric bills of \$600 and \$700. She contacted the Housing Authority and spoke with them about the issue. They contacted Covington Woods who stated there were problems with a majority of the thermostats, and they were expensive. Ms. Campbell was told by an anonymous source that the thermostats would have to be re-wired at a cost of \$800 each, and it was a majority of the apartments that would need them. She was told that the thermostat replacements would be completed in two weeks, and it has now been two months with no repairs made. The apartment complex accused Ms. Campbell of using her emergency heat on her June electric bill. Her rent has gone up \$50 every year despite being a rent reduced complex. She invited the council to drive around the apartments but to be careful of the potholes. She was yelled at by the complex manager for using a heat pump in regard to her high electricity bill. She thanked the Lansing Police Department and Detective Linn for dealing with the drug problem in the back building. She continued by stating that if they can't take care of Covington Woods, why do they need another one. Councilmember Brungardt and Ms. Campbell discussed the length of time she had lived at Covington Woods.

Rob Gaslin, Cottonwood Drive, with Fire District #1 Board of Trustees, intended to have Chief Stackhouse discuss the Fire Ground Development. However, Chief Stackhouse is in Wichita at professional development training. Mr. Gaslin requested that they be added to the agenda for the next meeting to present the Fire Ground Operations. He then provided a brief recap of his previous presentations regarding organization, accountability, the 9-mil cap, manning the force, and the strategic planning process. He then discussed SWOT (strengths, weaknesses, opportunities, and threats) and how in the past the parties involved have viewed each other as threats. He has worked to

avoid that. He continued by discussing the approach to SWOT if the timeline was 1 year versus 5-10 years.

Presentations: none

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Ordinance #1098 – Sewer & Solid Waste Assessments

Pursuant to Chapter 16, Utilities, Section 16-116 and 16-209 (e), the City Council is to be presented with a list of delinquent accounts and the customer's information. 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-two (52) properties with a total delinquency of \$73,330.39 are listed on the ordinance. Staff does not submit this ordinance for assessment until August 25, 2023. Residents are given the opportunity to be removed from the Ordinance by setting up a payment plan with the city before that date.

Councilmember Buehler made a motion to adopt Ordinance No. 1098 for assessment of delinquent sewer and trash bills. Councilmember Kirby seconded the motion. Councilmember Garvey and Finance Director Beth Sanford discussed the daycare located at 707 Holiday Dr. The council and City Attorney Greg Robinson continued discussing the possibility of a policy change regarding special use permits and business licenses if utility bills are delinquent. Councilmember Kirby and Director Sanford discussed the length of time associated with the delinquencies. Director Sanford stated that delinquency notices are sent quarterly and letters notifying them of the Ordinance and their options regarding a payment plan. Director Sanford also clarified that the addresses noted on the ordinance are for property owners only. **Roll Call Vote: Aye: Councilmembers Clemons, Brungardt, Gardner, Kirby, Majure, Garvey, and Buehler. Nay: none; Abstain: none; Absent: Councilmember Studnicka. The motion was approved.**

Ordinance #1099 – Weed Removal Assessments

Pursuant to Chapter 8, Health & Welfare, Section 7, Weeds, the City Council is to be presented with a list of properties and the owner's information, of those who failed to pay weed removal fees. 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.

Councilmember Kirby made a motion to adopt Ordinance No. 1099 for assessment of delinquent fees for weed removal. Councilmember Buehler seconded the motion. Councilmember Garvey and City Administrator Tim Vandall discussed Burger King's weed removal issues. Councilmember Clemons and Mr. Vandall discussed chronic nuisance list requirements. **Roll Call Vote: Aye: Councilmembers Clemons, Brungardt, Gardner, Kirby, Majure, Garvey, and Buehler. Nay: none; Abstain: none; Absent: Councilmember Studnicka. The motion was approved.**

Condemnation Resolution No. B-2-2023 (enabling action) for City Project 2021-04 (McIntyre Sanitary Sewer Interceptor Project)

This is the first enabling steps to pursue condemnation, if necessary, of interests in property (permanent & temporary easements) necessary for the McIntyre Sanitary Sewer Interceptor Project. The resolution clears the way to later enact a condemnation ordinance if needed. It is prudent to enact

the resolution at this time so there aren't delays to completing the project. Every reasonable effort will be made to obtain all easements through negotiations.

Councilmember Garvey made a motion to enact Resolution No. B-2-2023, a resolution of condemnation for permanent and temporary construction easements for City Project No. 2021-04, (McIntyre Sanitary Sewer Interceptor Project). Councilmember Clemons seconded the motion.

Councilmember Majure, Mr. Vandall, and the mayor discussed how the resolution affects the easement acquisitions.

John Perry, representing his mother who lives at **121 W Gilman Rd**, requested the sewer line to be located in the front or back of the property. Mr. Perry also stated that the adjacent soccer park drains onto their property and erodes the land. City Administrator Vandall acknowledged that the engineers for the project had been notified of Mr. Perry's concerns. However, the family's proposal would add an additional \$140,000 to the project, and the engineers review of the family's proposal cost \$3,000. Councilmember Garvey and Director Zell discussed whether the project would be crossing the driveway of the Perry property.

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

Easement Acquisition – McIntyre Sanitary Sewer Interceptor Project

The next step in the McIntyre Interceptor Project is to acquire the necessary easements. Staff provided a summary table of the needed parcels, along with the values of the appraisals. While some of these improvements occur in existing easements or adjacent to road right-of-way, the new easements necessitate the removal of fences, gates, vegetation screening, and dozens of mature trees. The opinion of just compensation for the temporary easements, permanent easements, and cost to cure items as determined by Valbridge Property Advisors is \$218,987.00.

Councilmember Brungardt made a motion to authorize staff and Skeen's Consulting to complete easement activities for the McIntyre Sanitary Sewer Interceptor Project. Councilmember Kirby seconded the motion.

Director Zell and the council discussed the options available regarding crossing the Perry property and the cost and risks associated with each option. Director Zell further clarified the negotiation and agreement processes regarding trees, grass, and restoration or property once work has been completed. He then explained the next steps of meeting with the easement consultant, putting together the offer letters, appropriate forms, copies of documents needed for signature which would then be mailed to the property owners.

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

Employment Contract Addendum

Subsequent to Contract Employee's annual employment review by the City Council conducted on July 20, 2023, the Parties agreed to an addendum of the City Administrator's employment agreement.

Councilmember Kirby made a motion to authorize the Mayor's signature for Addendum No. 7 to the City Administrator's Contract and provide a financial incentive based on the results of the performance evaluation. No discussion occurred. **Roll Call Vote:** Aye: Councilmembers Clemons, Brungardt, Gardner, Kirby, Majure, Garvey, and Buehler. Nay: none; Abstain: none; Absent: Councilmember Studnicka. The motion was approved.

REPORTS:

Department Heads: Wastewater Director Tony Zell stated that they had received the draft of the Wastewater Master Plan update. He met with GBA to make revisions that will be on the September work session to brief the council on their findings and recommendations.

City Attorney: Nothing to discuss.

City Administrator: Advised them of a piece of artwork created by city employee, Kris Bennetts, that will be auctioned off in support of the Mayor's Christmas Tree program. He updated the council regarding the Lan-Del water line along Town Center. At the bid opening on 8/2/23, Linaweaver was the lowest bid at \$390,000. Previous discussion between the city and Lan-Del was that they would contribute 23% to go toward that project. The council had discussed using the remaining ARPA funds for that project. This project would service KCKCC, the future Tractor Supply, and other parcels in Town Center. Efforts were made to send out a letter and contact the property owner regarding the tree discussion from the last meeting. Since that meeting, the property did close. The new property owner information is not yet available, but it does create a unique situation that may have to be addressed at a future council meeting. Updated the council regarding the trees removed by Evergy along the trail near Condotels. Regarding the possible housing development in Ward 4, while most of the trees adjacent to the trail would be in the rear or side yards, the city has not received an updated plat from the property owner. The city will work with the developer to encourage them to keep trees whenever possible.

Discussion continued between Mr. Vandall and Councilmember Clemons regarding the walking trail, the specific location of the trees removed by Evergy, and having Condotels coordinate with the Tree Board on suitable replacement trees.

Governing Body:

Councilmember Clemons: Thanked Mr. Vandall for his hard work regarding the citizens tree issues. Thanked Mr. Gaslin for coming to the meeting. Appreciated the citizens coming in and lending to the meeting.

Councilmember Brungardt: Nothing to discuss.

Councilmember Gardner: Thanked the citizens for coming to speak. Thanked Directors Zell and Sanford.

Councilmember Kirby: Thanked everybody for all their work. Wanted to remind everyone that Mrs. Ferguson was originally told by the city that the tree had to come down. Then it was decided to go back and take a look at the tree. It was decided to not be cut, but that information was never relayed to her. Discussion continued between Mr. Vandall, the mayor, and Councilmembers Kirby and Brungardt regarding the reasons for the change in decision, how to move forward, and how the code applies or if it needs to be updated.

Councilmember Majure: Thanked everyone for coming to the meeting. Thanked Director Zell for his hard work and representation of the city.

Councilmember Garvey: Ditto what everyone else said.

Councilmember Buehler: Thanked everyone for coming in. Thanked the Champions of Lansing Education for hosting a meet and greet today with the candidates. On this day in 1936, Jesse Owens won the 100M in the Berlin Olympics.

ADJOURNMENT:

Councilmember Buehler made a motion to adjourn. Councilmember Brungardt seconded the motion. No discussion took place. Roll Call Vote: Aye: Councilmembers Clemons, Brungardt, Gardner, Kirby, Majure, and Buehler. Nay: Councilmember Garvey; Abstain: none; Absent: Councilmember Studnicka. The motion was approved.

The meeting was adjourned at 8:12 p.m.

ATTEST:



City Clerk Tish Sims, CMC