

**CITY OF LANSING**  
**CITY COUNCIL MEETING**

**MEETING MINUTES**  
**March 16, 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:** Kevin Gardner and Gene Kirby

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

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

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

**Absent:**

**OLD BUSINESS:**

Approval of Minutes of the Special Meeting of March 2, 2023, as presented.

**Councilmember Brungardt made a motion to approve Special Meeting Minutes of March 2, 2023, as presented. Councilmember Buehler seconded the motion. No discussion occurred. Roll Call Vote: Aye: Councilmembers Garvey, Buehler, Clemons, Brungardt, Studnicka, Kirby, and Majure. Nay: none; Abstain: Councilmember Gardner; Absent: none. The motion was approved.**

Approval of Minutes of the Regular Meeting of March 2, 2023, as presented.

**Councilmember Buehler made a motion to approve Regular Meeting Minutes of March 2, 2023, as presented. Councilmember Garvey seconded the motion. No discussion occurred. Roll Call Vote: Aye: Councilmembers Garvey, Buehler, Clemons, Brungardt, Studnicka, Gardner, Kirby, and Majure. Nay: none; Abstain: none; Absent: none. The motion was approved.**

**Audience Participation:** None.

**Presentations:** None.

**COUNCIL CONSIDERATION OF AGENDA ITEMS:**

**Equipment Replacement Request - City Influent Pump VFD's**

Staff solicited a quote from the City's SCADA contractor to replace the City's four influent pump VFD's. These are the variable frequency drives used at the treatment facility. The VFD's have been discontinued and all spare parts have been exhausted. Staff had programmed a three-year replacement program for the 10 VFD's, but as of now, three of the influent pumps have failed, of which two of the units have been rewired and connected to the idle VFD's for surface aerators. Over the next two years staff will continue to replace the rest of the VFD's.

**Councilmember Buehler made a motion to approve the quote from RE Pedrotti for \$98,880 to replace four variable frequency drives. Councilmember Garvey seconded the motion. No discussion occurred. Roll Call Vote: Aye: Councilmembers Garvey, Buehler, Clemons, Brungardt, Studnicka, Gardner, Kirby, and Majure. Nay: none; Abstain: none; Absent: none. The motion was approved.**

### **J.K. Root Preliminary Plat Approval**

The owners of 292 W. Gilman have applied for a phased Preliminary Plat approval for a 4-lot subdivision. The first phase will split the existing lot into two lots to allow for one additional home to be built and access Gilman Road via the driveway on City property. The Planning Commission met on February 15, and voted 3-1 to recommend approval of the Preliminary Plat with conditions. The conditions recommended by the Planning Commission are:

1. Dedication of public Right of Way.
2. Approval of two (2) lots using the joint driveway on City of Lansing property to access Gilman Road.
3. The City Council acknowledges that the applicant will not develop Valley Drive at the time of the recording of the Final Plat;
4. If/when Valley Drive is constructed, any home built on property described by the Surveyor's Description of the J.K. Root Plat will be required to access Valley Drive.

**Councilmember Buehler made a motion to approve with recommended conditions the Preliminary Plat submitted for the J.K. Root Subdivision. Councilmember Garvey seconded the motion.**

**Councilmember Clemons:** Where is Valley exactly on this?

**City Administrator Vandall:** So, this is just the preliminary plat. Valley isn't on there yet. Valley would be to the north. I think we would be recommending that the roadway eventually be named Valley.

**Councilmember Clemons:** You've got the two homes that are going to be using the driveway that's on city property coming into Gilman, but if he develops the two up north where does the road go? There's nothing up north, so do they come down after we develop the road.

**City Administrator Vandall:** I think the guidance of previous staff was to show the preliminary plat for how it would look long term, and then the final plat only shows one additional lot. So, the final plat's not really being considered by this body right now, but we included it in the packet just so you guys could see that's the more immediate vision.

**Councilmember Clemons:** Ok, so we're not going to deal with the other two and the access. We're just doing the two accessing Gilman.

**City Administrator Vandall:** If this was passed, it would go back and the final plat would go before the Planning Commission, and that's the one with just one additional lot.

**Councilmember Clemons:** And the Planning Commission has already seen that? Those were their conditions that were permitted, I mean proposed.

**City Administrator Vandall:** Yes.

**Councilmember Kirby:** I'd like to talk about the wastewater line. If I understand correctly, the wastewater line should be all the way to the end of the property. Right?

**City Administrator Vandall:** Can we pull up the GIS rather than this?

**Mayor McNeill:** Is your question if they put a second house there would they need a full new sewer line all the way down to where that one ends?

**Councilmember Kirby:** Yes, I mean that's code, and here we are cutting off...

**Wastewater Director Zell:** So, what you see here...

**Mr. Jeff Root:** Can I bring everybody up to speed on this thing to give you some history on this property?

**Mayor McNeill:** Yes, once these questions are answered, I'll have you come up.

**Mr. Root:** Okay.

**Wastewater Director Zell:** So, this is the current sewer situation at the property, and you can see coming out of that manhole there just south of the property line there's a service line that services his present residence. As I understand it, they want to extend that service north to the next lot. So, that both lots would share a combined service lateral which I believe is 6". Typically, city mains are no

smaller than 8", and if this was a subdivision, we would require the developer to extend sewer from one property to the other. So, in this case, all the way to the north to what would be the adjoining property owner's property. Now, that's not necessarily the case here, but it's the City Council's policy to decide how they want to proceed with it. That is what we have done in the past for typical residential developments including Wyndham Hills, Rock Creek, even Lansing High School. If you look at the high school, we brought sewer all the way to the west side of the property and all the way to the north behind the baseball diamonds. Just because it prepares for future growth and allows for ease of access for the next person to connect without having to interrupt other private property owners.

**Councilmember Kirby:** Because what we're getting into here, what it looks like to me is, we're going to piecemeal this.

**Mr. Root:** I already did extend it.

**Councilmember Kirby:** You did it to your house?

**Mr. Root:** Can I come up and speak because you're not perfectly correct?

**Mayor McNeill:** Come up and state your name and where you live.

**Mr. Root:** My name's Jeff Root. I live at 292 W. Gilman. I also built 300 W Gilman there, and I extended the sewer main 205 ft from 206 Gilman back in the year 2000, 23 years ago. And the planner then, public works director, whoever his title was... I bought 2.5 acres. I built 300. I extended the sewer main at my expense. I worked at Larkin Excavating. I physically extended it, and I physically set the manhole and covered all the cost and had it engineered. It's an engineered system. Everything's good. So, 300 that manhole stubs out three ways. It goes to the west, and 300 is tied to that. It goes to the north, and my house, 292, is tied to that. You're also of course to the west where it is an 8" main. All of that is stubbed out 8" just like any subdivision, and you run a 4" service to an 8" main. And what I'd be looking at doing if I was to build up top... All I'm really looking at doing is, and I've talked to Matt... Matt's the one that told us to draw this exactly how we've drawn it. I spent more money. The city has absolutely no money in this property ever. I've maintained the right of way. I've extended the sewer. I've built two houses. There was originally going to be four lots once a road went through. Which there's 48 acres up top, Steve Buffo's ground that one day will sell. It's up for sale right now, and it will develop. And this would give you access from 4-H Rd to Gilman. Just like, there's not many access out of Wyndham right now. So, if there was an emergency that shuts the street down up there, and you've built fifty more houses on that 50 acres, there's no way to get out. So, this is a future plan, and what had happened was it was a dedicated road/ right of way in the day. But it failed to get recorded correctly. You know, I did everything on my part, but the city or whoever would control that did not get it recorded correctly. So, basically, I gave 60' wide plus a 5' utility easement 660' long to the city looking toward the future because I was building houses at that time, and I was doing excavating. And that was their dream, the city owns this property. Whoever develops that, their going to make them put in 600' of street, and of course they would tie onto the manhole that I set. And you'd only be servicing one house that would be affected. That would be a new house if there was one built up there. Matt said we fell into the category that you could share, you know, two houses could share one driveway, and if you look at the final plat, you'll see that the one house would have the three upper lots, The city would control a building permit, and I would assume you could build on any of those lots. I made the top one bigger, and what Matt wanted to do was clean this whole mess up. His idea was, because I already had the house financed just on the one size of lot, but it had not been subdivided or split off of that property. So, the idea was to add the swimming pool I have built there to this house that way that property could sell. Or the three lots which would be really one, but it would be platted for your guys for future. That would be one piece too. That would enable me... right now my hands are tied on this property. I'm getting older. I'm not going to be able to maintain this thing forever. City's going to have to mow their right of way at some point, and future comes, and one might have to give. I might either have to sell the house with the pool, build up top, and the way the economy is right now, I doubt that would happen. But it would enable us to either borrow money or just do something different with this property. If somebody had some money, and they wanted to build up there I would probably sell it to them, and they could deal with you guys. But the bottom line is, you'd be looking at from one



of those three lots which is one piece of property, whoever bought that would own the three. They'd already be platted. The city would control the building permit. You could say, no, we'd like to see you honor this plat and build within the thing. Even if you're not going to develop the other two lots, but one day it probably would. Somebody would own that or whatever. It would be the option. It would be done all at my expense. The city has nothing in this. I spent thousands more to have this survey done, and I did it exactly like Matt... I just didn't get it done before he left. But the bottom line is you'd be looking at coming down that 5' utility easement with a 4" sewer service and tie onto that manhole or one of the stubs out of it and that would be the only catch that somebody's got. It would be no big deal if that road came through and the sewer came through to grab the one house 4" service when the main's coming by to tie on to it. It's not a big deal. We did it all the time. But that's really the only dilemma. Other than that, the city's out nothing. This is planning for the future. You know, you would inherit all the property tax and all the building and whatever. And you'd be in control of it. So, that's what really has happened here.

**Mayor McNeill:** It would be on the owner or whoever bought the property to do it.

**Councilmember Gardner:** Who's responsible for putting in that 8" line?

**Mayor McNeill:** It would be the owner.

**Mr. Root:** Probably whoever put the street in.

**Director Zell:** I want to clarify Kevin's question. I did not hear you. Can you repeat?

**Councilmember Gardner:** If we did okay all of this, and in the future, they did develop that up there, and we had to put the street in and the sewer, who's responsible for the 8" line? I know we would probably put the street in, correct?

**Mayor McNeill:** At some point in the future, there may be a street there but that just depends.

**Director Zell:** Typically, those are costs borne by the developer which include all public improvements.

**Mr. Root:** Well, then realize, that that upper property might want to lower the manhole I already set. You know, you got the gravity fall. I mean it's there, and I already did one sewer extension. I wouldn't be looking at to absorb that cost these days. I don't have access to track hoes and buy manholes. You know what I mean. It's high. But the whole idea was, if you put 50 more houses up there you have whoever develops it just say, the city's had this and this is the plan the city has. You put your sewer, you put your storm sewer, and you put your street in. I mean, it's 600' long. That's completely up to you guys if you think that's theoretically possible. And if you guys are completely against this, and I'm up for the idea of let me build a garage at the end of my concrete right there and give my land back or I'll buy it back from you. You know, I'm just exhausted on this thing. Twenty-three years of my life I've tried to see this thing followed through. I've done all the directions the city directed me. I feel like I've done my part more so than any other civilian. You know, it's either let me live my life one way or the other. Let's plan for the future if you want it, and if you don't do something with the property, I gave you guys. You've not got one penny in it. You've not mowed one stitch of grass. You've not done anything. That's really all I've got to say. I'm trying to plan the future with you in developing that ground up top. And it will happen one day. Steve Buffo's getting old. It is up for sale. I don't see his kids staying there and keeping it agriculture forever. So, that's really my suggestion to you guys. I think Tony would be receptive. When I spoke to him before, he talked about you keep separation from the water to the sewer.

**Director Zell:** There's always a discussion a cross connection. I guess the real issue is, A. Can you connect another home to another service connection? And the answer is yes, you can do that. That's their prerogative.

**Mr. Root:** I don't want to tie into service. I'd be tying on to a main.

**Director Zell:** So, you're going to extend the main from...

**Mr. Root:** No, I'm saying the main's there. You're looking at running a 4" service with cleanouts every 100' from whichever lot you decided to build on. That's what I'm telling you. 210 right now has a 4" service roughly 550' long that works just fine.

**Director Zell:** Right, and the only caveat to that would be, if the lower downstream home sold to another person...

**Mr. Root:** No, it wouldn't be. It'd be on the easement.

**Director Zell:** I don't see if there's an easement shown anywhere on the plat.

**Mr. Root:** I've got...that's what I'm telling you...Can we look at the final plat? Because that's where everybody's confused. When you look at this subdivided and shows the three lots. I'd like you to see the final plat which is really what's happening at the end. See your looking at Lot 1 up top would really be three platted lots for you guys. But really whoever owned it would own those three lots. There'd be one building permit on the city's discretion. I've got no control over it. But the idea would be if I sold Lot 2 with the pool and the house together then I could possibly build up there. If not, I could possibly sell that or just do something with it besides mow it. Because I'm getting older. I'm not going to be able to mow this for free for the city forever. I don't want to stick my wife with this headache either. One day she deals with it. The city's got nothing in it, and it's a great future plan. And the only thing we're getting hung up on is the 4" service line which the neighbor right next door has one from all the way in the back to all the way down that works just fine.

**Mayor McNeill:** I don't think anybody's hung up on it. I think they're just trying to figure out...

**Mr. Root:** I got you. I mean, but that came up. That really seems like the biggest hiccup is all I'm saying, and it's not really a hiccup if you understand 4" and gravity.

**Mayor McNeill:** If this plat goes through, you own that property until you sell it. It's on whoever...

**Mr. Root:** But realize it would be...you got a 5' utility easement that sewer service could come down. Nobody on it. It's a utility easement, and you've got a 60' ft right of way. So, you're looking at one sewer service and one water service that would tie in if the new stuff ever came through. It's really, it's minimal.

**Councilmember Kirby:** So, it's obvious you've done a lot of work into this, and it's all fine and good. But what I heard you say was you did your part; the city didn't do theirs.

**Mr. Root:** No, I'm saying on the recording. That's what Matt's trying to clean up is the dedicated part. Right now, he said it's really just a piece of ground that I gave to the city versus a dedicated road right of way. Larry might be able to shine some more light on that. Then after Matt said that he also said Larry found the dedication. It says right on the print off that I got from the old days, road right of way. You know, dedicated road right of way. So, I don't know how else you would look at it. It just didn't get recorded, and that's what Matt wanted to clean this up and clean it all up. And it really does clean up all the loose ends. I can't explain it as well as him. I'm not college educated.

**Mayor McNeill:** No, I mean the Planning Commission put that in this approval. So, the first thing they put on there was dedication of public right of way, which was to clean that up. So, that's in there.

**Mr. Root:** You know, the other discussion came up at the planning thing too. That if somebody had used that so called "city property" as a driveway for twenty years, they would maintain some type of grandfather. Well, I've used it. I've got \$15,000 worth of concrete setting on it. But if this road's going to come through, bring it through. Tear it... I understand how road right of ways work. You tear it out, you do the improvements, it's just a future plan for the city. And it gives you access from fifty more houses. That's going to happen one day on top of that hill. Of course, they might come out to K-7, they might not. But it gives you a future plan at free cost. I mean, you can't beat...it's a great budget for the city.

**Councilmember Kirby:** I would...Currently, he would be responsible to run the sewer to Buffo, correct?

**Director Zell:** If this is considered a subdivision...

**Mr. Root:** It's not. It's considered two parcels of land.

**Director Zell:** Again, we can get into semantics, that's not my role tonight. I'm just saying when ground develops and homes get built, that's typically our policy. Now, again, I'm not going to argue whether one home versus two lots, two lots versus three, or one plus another one for future use. That's not my place. I do see now that there is a utility easement that surrounds the parcels as we would require. However, prior to tonight I was not told that a separate sewer service would be run up

to what would be considered Lot 2, I guess, on that drawing. So, any concerns I had regarding private sewers crossing other private property is null. That's fine.

**Councilmember Brungardt:** You don't have any concerns?

**Director Zell:** Not doing it that way. Except that it becomes a policy decision and how we define a development. Whether you want to call it, and I'm not a developer or planner or anything else, a...(subdivision) and what's not. If you look at Wyndham Hill,

**Councilmember Garvey:** We've had this discussion before. I was discussing this with Tim earlier. You remember the people that wanted to put in three houses by the cemetery? And we wanted to charge them \$350,000 for fees for something stupid? And they wanted to walk away because of those stupid fees?

**Mayor McNeill:** It was the frontage street fees.

**Councilmember Garvey:** But the street was already there. So, it didn't make any sense at the time. So, we waived the fees. So, we're allowed to do stuff like that. To get houses built in this town. Because nobody's building houses right now in this town.

**Councilmember Brungardt:** The only thing that ever concerns me, and I feel like we get burned, is that when we get away from following code...you guys know what I mean? I always worry about that.

**Councilmember Garvey:** But if you view this as not a subdivision, you are following the code. And two houses is not a subdivision.

**Mr. Root:** And the final plat shows it. That I extended 8" sewer main line, like you should, to the property, and I'm looking at serving you know besides the piece that goes off to the west because it's its own entity. You know that house. I don't own it. It's on its own stub. So, you're looking at servicing two houses down to a manhole I brought to the property. And it's perfectly within the city's rules that say you own a house here and you want to let your kids, or you want to build in back and give them that. That's what we're doing. We're splitting the property into two pieces to where you can basically build two houses. And of course, the platting's just done. Why wouldn't Matt throw that in for free and have Larry draw it while I'm redrawing all this. I've already had it surveyed before, but why not throw it in for free for the future. That's what we've done.

**Director Zell:** My biggest reservation, and I expressed this to a couple of you earlier, was private sewer on private lots. In this case, now that I'm aware that we've got actual utility easements and the sanitary sewer's going to be placed in that easement, that removes the city from any civil responsibility should something arise in the future. And that's what I'm trying to protect.

**(Audience comments inaudible.)**

**City Attorney Greg Robinson:** If you're going to talk, you have to go to the mic to be on the record.

**Mr. Root:** It's one service that you can 4" service every house. Every new subdivision has an 8" main. Typically, there's 300' between manholes. You can have up to twenty houses between them with a T. It's basic. And the bottom line is... I'm trying to plan for the future. I've spent thousands, and thousands, and thousands and twenty-three years trying to watch this thing happen. It's my goal. I wanted to develop it. It looks like I probably won't, but that don't mean somebody can't. It's already drawn. It's done. It's free. I don't know when someone would build there, but if they did, you could control the sewer. You could control where they put the water. It's just one service. One house is all you would deal with if you brought a street, and you brought utilities down there.

**Councilmember Brungardt:** Tony, you feel comfortable?

**Director Zell:** I'm glad to see that it's not on private property, and that it's actually a dedicated utility easement. I think Greg would echo those comments as well.

**Mr. Root:** And that's what Matt seen. It's time to clean this up. If I leave this and expire from this world, it's a mess. My wife don't deal with this stuff. So, it's really something I don't know who would deal with. So, we either deal with it as a group now...

**City Administrator Vandall:** I think the background too...I think Matt and Mr. Root have been speaking for several months. But I think the original discussion started off with if you could do a lot split through an administrative plat which is handled internally. But you can't do that if there's no access. So, I think that's why Matt steered him in this direction. And I think his thought process at that time was



utilizing the joint driveway. Because joint driveways are permitted in the UDO. I think outside of sewer, the other thing the Planning Commission discussed quite a bit though was just clarifying that the city council is okay with access to two private residences on city property. I think that was the other big thing the Planning Commission discussed quite a bit.

**Mr. Root:** It would really be the driveways on what would be then and now, if we approve this, to a dedicated road right of way. Which means, and Matt said it would be perfectly fine, to run gravel if a person went from where I've already extended concrete for 200 some feet. Up to the house I'm in, it's complete hard surface, but then you might extend that another however far you went to build one more if that was even to happen.

**Councilmember Garvey:** He's taking a chance though by putting his driveway all the way through on city property. Just to clarify. Like someone who puts irrigation system in the right of way, and we tear it up. We're not responsible for it. Same situation.

**City Administrator Vandall:** That's correct. If Buffo's property developed tomorrow, and we required...if we tried to require that developer to extend that road, we made that argument. Mr. Root did acknowledge in the Planning Commission meeting he knows that that driveway would be torn up. He did acknowledge that.

**Mr. Root:** They talked about maybe noting that, but of course everybody knows. When you go through, I've went through subdivisions, you know, old ones with no storm sewer. Gladstone, Missouri won an award for doing the job. Millions of dollar project federally funded. The bottom line was, yeah, you tear out to the right of way. You put in storms. You put in sanitary. You set new manholes. Everything gets new. New water lines, new water service. Everything goes in new, and what you would tell a developer which might be Riley because they've inquired about that property. Offered Buffo money. He's just a little greedier than they want. He wants a million dollars. You know, I mean, that's a lot. But the bottom line is, he will expire too. None of us get to stay. But the bottom line is, that's what happens. Come tear it up. Put the road in. I've wanted to see this road forever.

**Mayor McNeill:** It says right in there, in the conditions, that they're going to do that.

**Mr. Root:** If you want to call it Valley, you can remove my name from it. That's just something the surveyor does is typically standard deals. And like Matt said, typically, a homeowner don't pay for all of this. But I was willing to do it. You usually see a developer pay for this.

**Mayor McNeill:** Did you pay for this over twenty-three years? It's been a long process.

**Mr. Root:** The bottom line is, it's a great future plan, and that's where whoever does develop up top. All the, if you look at, can we get that up like we did last time to show the other committee the Wyndham subdivision? How it aims at that?

**Mayor McNeill:** We actually discussed this.

**Mr. Root:** I'm just saying, if you look at the overall picture, like Matt showed me, because I talked to him about just purchasing the ground back. And I wanted to build a garage...if he goes about a frame back from that. See those roads and all those houses aimed right at Buffo's property and right at... and you know, the access to Gilman is exactly what the last Public Works director was that's why he encouraged me. He coerced me. He aimed me in this direction, and it was all for the city. And I could see the vision, and I've done everything on my part. I don't know what else to do.

**Mayor McNeill:** The only other access is 4-H.

**Mr. Root:** Yeah, all those houses go to 4-H right now.

**Mayor McNeill:** So, if this does build out, we'd want access to Gilman.

**Mr. Root:** You would, and you would go to K7 too of course. But you'd love to have this too. And that's where you could say, all this works been done to do this. And you tell the developer this 600' of street, and you get, and everybody gets what they want.

**Mayor McNeill:** Anybody else have any questions?

**Councilmember Kirby:** I'll just say, I get a little concerned about making exceptions.

**Mayor McNeill:** Well, what's the exception in this case?

**Councilmember Kirby:** Sewer.

**Mayor McNeill:** But the sewer lines going down a utility easement. (Audience comments inaudible.) You come up and say who you are.

**Jerry Gies:** I'm Jerry Gies. I'm with the City Planning Commission. The exceptions are everything in the subdivision regulations. Every other developer has to put in road, has to put in a sewer, has to put in water, has to put in gas/electric, has to put in a sidewalk.

**Councilmember Garvey:** If it were a subdivision.

**Jerry Gies:** That's a subdivision. If you want him to crap this, just say we'll never record this and just give him permission to build a couple of houses in the backyard. You can do that. The zoning ordinance doesn't allow, but you can give an exception to it. Tell him to take this plat, and just stick in a drawer someplace. And say go ahead, if you think it's good, then have houses, behind houses, behind houses with no frontage. Go ahead and do it. Don't give somebody exceptions to the subdivision regulations.

**Mayor McNeill:** So, hold on. Our job here is to give exceptions if we think they make sense.

**Jerry Gies:** That's exactly right. You can. But as a citizen, I paid for my sidewalk. I paid for my sewer. I paid for all this. If you think in this case he doesn't have to, then you have the legal authority to. You're not really approving the subdivision. You're sticking it back to the Planning Commission because the Planning Commission approves the preliminaries. What you're doing is telling the Planning Commission we recommend you do it because we're not going to make him do any of the subdivision requirements.

**City Administrator Vandall:** The final plat still goes back to the Planning Commission. This is just the preliminary.

**Jerry Gies:** By the way, the final plat you had on the board (inaudible)

**Mayor McNeill:** I don't want the council to get confused. So, this was voted on by the Planning Commission 3-1 recommending with the following conditions of which I've read.

**City Administrator Vandall:** Normally, preliminary plats do not go to the City Council, but in this case because this was asking for a private driveway on city right of way the Planning Commission thought it appropriate to verify with the City Council that you guys were okay with that. So, that's why it came to you guys. Every other time, preliminaries do not go to the City Council.

**Mr. Root:** Matt told me it wouldn't go to City Council. There was no argument. That really, if it was drawn like this, and it's only splitting...it's getting plotted, but it's not really. It's getting divided. One piece of property into two, and then two sharing one drive if the lot built. That's a big if. I ain't got \$300,000 to build a new house or \$400,000. But it...what it does do is enable my future to just, you know, somebody could develop it. You know, it just splits it and makes it more feasible whatever. And it works out a bunch of problems for you guys in the future instead of just having a big lot there. You know, you're just going to mow a piece of property up there and just no apparent reason.

**Mayor McNeill:** I think we got the information. I think we got it. Does anybody else have questions of either of them?

**Councilmember Brungardt:** So, I just want to make sure. Tony, you're good with this?

**Director Zell:** As was explained to me tonight, putting things in a utility easement and not on private property, I have no issue with it. Because it protects you guys.

**City Attorney Robinson:** Mister Mayor, the only thing I would ask. I know it's been talked about, but if you could explicitly make it a condition if it is approved that when it goes back that another condition be that anything put in that right of way has to be approved by the city. If it's put in there, that the city is in no way financially responsible for any action, imminent domain, or anything like that. That we come in, and there's going to be a road there in the future. Somebody doesn't/cannot make a claim that well I've got \$40,000 dollars' worth of concrete there, and I want reimbursed. So, and I understand that we've, I've heard comments to that effect. That we know because to your point, Mr. Garvey is that usually we do. People put it in there. It's unknown to the city. But in this instance, we know it's going in there. So, I just want to make sure there's a clarification that if this is passed, and then a future driveway is extended to the north, that we're in no way shape or form responsible for any tear out for any future roadway extension to the south out of that Buffo property if it ever happens.



(Inaudible)

**City Attorney Robinson:** So, I'm saying that number four should be the city is not financially responsible if there's a tear out in the future if this is approved. Number five, okay, sorry. Number five.

**Councilmember Brungardt:** I think that's a good idea, gentlemen.

**Councilmember Buehler:** So, do we need to withdraw the motion?

**Mayor McNeill:** If you want to add that condition.

**City Administrator:** Yes, withdraw the second. Withdraw the motion.

**Councilmember Garvey withdrew his second. Councilmember Buehler withdrew his motion.**

**Councilmember Buehler made a motion to approve with amended conditions of**

- 1. Dedication of public Right of Way;**
- 2. Approval of two (2) lots using the joint driveway on City of Lansing property to access Gilman Road;**
- 3. The City Council acknowledges that the applicant will not develop Valley Drive at the time of the recording of the Final Plat;**
- 4. If/when Valley Drive is constructed, any home built on property described by the Surveyor's Description of the J.K. Root Plat will be required to access Valley Drive**
- 5. Anything put in that right of way must be approved by the city, and the city is in no way financially responsible for any action such as tear out or imminent domain for any future roadway extension to the south.**

**For the Preliminary Plat submitted for the J.K. Root Subdivision. Councilmember Garvey seconded the motion. Roll Call Vote: Aye: Councilmembers Garvey, Buehler, Clemons, Brungardt, Studnicka, Gardner, and Majure. Nay: Councilmember Kirby; Abstain: none; Absent: none. The motion was approved.**

#### **Executive Session – Economic Development**

**Councilmember Buehler made a motion to go into Executive Session for the preliminary discussion of Economic Development activities, K.S.A. 75-4319(b)(4) for 15 minutes, beginning at 7:39 PM and returning to the Council Chambers at 7:54 PM and to include City Council, City Administrator, CED Director, and City Attorney. Councilmember Kirby seconded the motion. Roll Call Vote: Aye: Councilmembers Garvey, Buehler, Clemons, Brungardt, Studnicka, Gardner, Kirby, and Majure. Nay: none; Abstain: none; Absent: none. The motion was approved.**

**Councilmember Garvey made a motion to return to Open Session at 7:54 PM. Councilmember Brungardt seconded the motion. No binding action was taken. Roll Call Vote: Aye: Councilmembers Garvey, Buehler, Clemons, Brungardt, Studnicka, Gardner, Kirby, and Majure. Nay: none; Abstain: none; Absent: none. The motion was approved.**

**Councilmember Buehler made a motion to collaborate with LanDel Water District to design and potentially construct a water line in Town Center. Councilmember Kirby seconded the motion. No discussion took place. Roll Call Vote: Aye: Councilmembers Garvey, Buehler, Clemons, Brungardt, Studnicka, Gardner, Kirby, and Majure. Nay: none; Abstain: none; Absent: none. The motion was approved.**

#### **REPORTS:**

**Department Heads:** Nothing to discuss.

**City Attorney:** Nothing to discuss.

**City Administrator:** Nothing to discuss.

**Governing Body:**

Councilmember Garvey: I guess if we're in Lansing going south of town, I would avoid that direction with the construction on 7<sup>th</sup> Highway. I haven't been that way. I go through there at 4:30 in the morning. There's no traffic then, but I can imagine in the afternoon that around Parallel going to get bad. So, I would find an alternate route if I were you.

Councilmember Buehler: On this day in history, March 16, 1995, ratified the 13<sup>th</sup> Amendment to become the last state to officially approve the abolition of slavery. 130 years after slavery was abolished.

Councilmember Clemons: Nothing to discuss.

Councilmember Brungardt: Nothing to discuss.

Councilmember Studnicka: Nothing to discuss.

Councilmember Gardner: I would like to thank Gene and Tim and Joshua, Tony, and Mr. Root for all the time they spent helping me gather information and perspective on this we discussed tonight. So, I was trying to catch up and trying to make the right decision. I thank everyone of you for taking your time to help me out.

Councilmember Kirby: You're welcome, Kevin.

Councilmember Majure: Well, with the weather changing the way it is, Tim, I don't reckon we're going to get that pavement done anytime soon. Mr. Vandall responded; I think we're hoping for early April. Councilmember Majure replied; but it has snowed on Easter around here so nothing surprises me. Great work by everybody in our city, and then at least we had some people show up tonight, Mayor. But they did have issues here. So, nobody just coming and joining us. It's always good to see Tony. Appreciate you running up the bill.

**ADJOURNMENT:**

**Councilmember Majure made a motion to adjourn. Councilmember Brungardt seconded the motion. Roll Call Vote: Aye: Councilmembers Garvey, Buehler, Clemons, Brungardt, Studnicka, Gardner, Kirby, and Majure. Nay: none; Abstain: none; Absent: none. The motion was approved.**

The meeting adjourned at 7:58 p.m.

**ATTEST:**

  
City Clerk Tish Sims, CMC