

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

Ward 2: Don Studnicka and Marcus Majure

Ward 3: Kerry Brungardt and Jesse Garvey

Ward 4: Dan Clemons and Gregg Buehler

Absent: Kevin Gardner

OLD BUSINESS:

Approval of Minutes of the Regular Meeting of June 15, 2023, as presented.

Councilmember Brungardt made a motion to approve Regular Meeting Minutes of June 15, 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: none; Absent: Councilmember Gardner. The motion was approved.

Audience Participation: Rob Gaslin, Cottonwood Drive, with Fire District #1 Board of Trustees and Fire District #1 Chief Michael Stackhouse provided a handout, which is attached to and made and made part of the minutes, regarding the Insurance Services Organization Rating. Public Protection Classification (PPC) was created by ISO to help communities fight fires effectively. ISO Class is not a means for designing and operating a fire department. It is a way of measuring the results of fire suppression systems relevant to a community. The standards for designing and operating a fire department are to come from the National Fire Protection Association based on fire science and empirical history of firefighting. They continued discussing the fire district's readiness level.

Presentations:

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Aquatic Center Site Location

Jeff Bartley, Waters Edge Aquatic Design will brief Council on the progress and the two site options. A decision on the location will need to be made in order to start on more detailed design work. A citizen advisory committee has been formed and is comprised of Dana Fontenot, Amy Crumpacker, David Bresser, Adam Bremer, Norine Lahoun, Janette Labbee-Holdeman and Larry Boswell. Staff to include City Administrator Tim Vandall and Parks and Recreation staff Cody Burnett, Christina Moberly and Jason Crum have been in attendance of these meetings as well. The committee consensus recommendation is for the plan B2 location.

Jeff Bartley recognized the members of the Aquatics Advisory Committee as well as Ben Gasper from SMH Engineering before discussing the site proposals. Councilmember Buehler, Brungardt, Clemons, Garvey discussed with Mr. Bartley if the trees would remain on the east side of the site between the proposed parking lot and Bittersweet, whether the size of the facility differed in any way based on the east or west site location, how the number of parking spots was determined, what was included in the estimated costs presented, the floodplain related to the east site location, the differences in construction timelines for the two sites, ease of access, and sales tax restrictions based on site

location comparison. Mr. Bartley then gave updates on the proposed features, the survey results for preferred features by the committee and citizens and discussed the option for 8 lanes and 25 meters versus 6 lanes and 25 yards. Councilmember Buehler and David Bresser from Lansing High School Swim Team discussed the 6 versus 8 lane and yards versus meters differences. Discussion continued regarding adjustments to estimated capacity size and updating parking to reflect the increased capacity if the larger pool was approved. Mr. Bartley also stated that the tentative timeline would have the pool opening summer of 2025. Discussion occurred.

Councilmember Brungardt made a motion to approve concept B2 for placement of the Aquatic Center on the site. Councilmember Buehler seconded the motion. No further discussion occurred. **Roll Call Vote: Aye: Councilmembers Garvey, Buehler, Clemons, Brungardt, Studnicka, Kirby, and Majure. Nay: none; Abstain: none; Absent: Councilmember Gardner. The motion was approved.**

Update-Housing Analysis & Assessment

Marty Shukert, RDG Planning & Design, will be present to update the City Council on the progress of the housing analysis and assessment along with the results of the housing survey.

Community Input involved two elements. One from conversations with key stakeholders (builders, developers, realtors), and a community survey completed by 2% of the non-prison population. The second part is a snapshot of the housing conditions, population, demographics that are pertinent to the projections for the next step. That provides the demand for housing as well as price points. The next step allows for goals to be developed for the housing program and future strategies. Mayor McNeill stated that the size of the city population increased but the prison population went down by 600 in the last census. Discussion occurred.

NO FORMAL ACTION IS NECESSARY.

Santa Fe Townhomes Phase II Rezone

The applicant proposes to rezone a 1.8-acre tract from B-3 to R-4 and is proposing to develop the property as a continuation of the Santa Fe Townhomes. The Planning Commission voted 5-0 to recommend approval.

Councilmember Buehler made a motion to adopt Ordinance No. 1097 to amend the City of Lansing Zoning Map. Councilmember Brungardt seconded the motion.

Rick Huhn, 601 N 2nd Terrace, spoke against the rezoning due to the possibility of future traffic issues along Santa Fe and decrease in home values.

Crystal Taylor, 114 Fern St., spoke against the rezoning due to removal of natural habitat, tacky design, future traffic issues, and a possible decrease in home values.

James Andrews, 118 Fern St., spoke against the rezoning relating to the tacky design, traffic flow if approved, and safety issues for children that ride the bus.

Leigh Shirley, 220 Fern St., spoke against the rezoning over concerns about low-income housing, traffic issues, decrease in home values, and removal of natural habitat.

Mayor McNeill addressed the natural habitat comments from the citizens. He clarified that the property owner is allowed to remove trees on their own property as they choose. Natural habitats are normally in the Master Plan as conservation areas that the city would put in the city plan. Certain areas the city doesn't want anybody to actually build in. He continued by acknowledging that it might have been a little haven, but it wasn't a designated city conservation area.

Ms. Shirley stated that if you tear down a tree, you should plant a tree. Trees supply oxygen ...

Mayor McNeill continued by stating Lansing is a Tree City USA, and we plant them every year. The other item he addressed was that they are not low-income housing. They are market rate townhomes.

Jeremy Greenamyre, Greenamyre Rentals, acknowledged that the lots might look like an eye-sore right now because they lack landscaping. They have met every city requirement during the development process. They've had no issues with city inspectors. If any issues occur, he encouraged the citizens to call Code Enforcement. He continued regarding the history with the lot. This request passed the Planning Commission meeting on May 17. There was a prior attempt in 2021 to rezone this to R-4. That also passed the Planning Commission unanimous, 7-0. Ran into problems with the City Council, the same body. Hopefully, it was zoom related. As far as the zoning on this lot we're talking about, even if he wasn't here requesting something for himself, I still think the zoning doesn't make any sense. It's currently zoned B-3. The history on that, when it was part of the Econo Lodge, the B-3 made sense. It was part of a lot that faced K7. It had a more commercial use. But using the definition for the City's Unified Development Ordinance of a B-3 zoning says the intent of the B-3 district is to provide for those commercial uses which are intensive in nature and require larger lots and direct access to major streets. The B-3 district is most appropriate for automobile oriented, regional, commercial, and office development. For those of you who have been by the lot or seen pictures, does that lot meet any of these criteria? Large lot...he doesn't think so. It's sitting at 1.8 acres. He doesn't consider that a large lot. Direct access to a major street...Not at all. He doesn't think anyone would consider Santa Fe a major street. Automobile oriented...there seems to be some real concern about traffic because the street is so small that he doesn't think it meets any of the city's definitions of the B-3 zoning. Mr. Greenamyre continued by stating typically, in zoning, city's use different zoning categories to have transitional zoning from agricultural on one end all the way to heavy industry on the other end. That's where he thinks this lot makes sense for a R-4 zoning which would put it right between the B-3 to the west and the more residential uses and zoning to the east. Back to the city's UDO for the R-4 zoning, which is what he is requesting. The intent of the R-4 district is to provide for high density residential development including single unit, two unit, and multi-family residences in strong residential neighborhoods. As a lot of people in the crowd would agree, this fits the definition of a strong residential neighborhood. It's entirely a residential neighborhood, and their zoning provides the transition between the heavier commercial use and the houses. What they're requesting is exactly what was requested and approved for the land that they're currently building on in 2017. It's also no different than the request that was made to this body back in May of this year by the folks who were interested in a housing development on Lansing Town Centre which was also unanimously passed. As a reminder, what's being determined tonight is the appropriateness of R-4 zoning in this location. It's not about past projects, it's not about the types of tenants that are going to live here, the style of house, the rents that are going to be charged or any amenities. It's about how appropriate is this zoning in this location. No questions were asked of Mr. Greenamyre by the council.

Councilmember Kirby stated that when you live in a city, you move into a house where there is a wooded lot next door. I don't know that you should expect that to remain a wooded lot forever. It's privately owned by a businessman who is trying to make money. I guess if the woods are that important to you, maybe you should have dug into it a little bit more. I don't blame Jeremy for wanting to...I mean, he's a businessman, and we can agree on that. But I think for people to expect that to remain a wooded area forever is not a reasonable expectation.

Councilmember Garvey stated that you have to remember that it's zoned B-3 right now. So, real world, he could build storage units on that property and tear down the trees without rezoning. He could build whatever he wants to that way.

Mr. Huhn stated that we've been hit with that before with Jeremy's grandfather, and I argued this years before. Businesses go home at 5 o'clock whereas residents come home at 5 o'clock. You've got 68 families there. Businesses go home at 5 o'clock...

Mayor McNeill stated you could also have an automobile repair place there. So, there's a lot of businesses that could go in there that could be as disruptive.

Mr. Huhn asked why Mr. Greenamyre didn't build the duplexes like he built on Ida Street?

Councilmember Kirby asked if Mr. Greenamyre had, would Mr. Huhn be happy.

Mr. Huhn stated he would.

Councilmember Kirby asked what's the difference?

City Administrator Tim Vandall wanted to clarify one thing. He stated he didn't want to speak for City Attorney Gregg Robinson, but at that planning commission meeting when Mr. Robinson tried to veer the discussion away from a specific number of units...when you rezone, you're just talking about land use. You're not talking about specific number of units. I think that's probably why he said that. I think tentatively, they're thinking around 18 or 20 units or something like that. But again, that's tentatively. This is just looking at land use. So, again, I'm not sure but maybe we can double check really quick. But it's possible duplexes or triplexes would also be R-4 zoning. This is purely land use. We're not talking about the paint color, the brick style, the roof pitch, or anything like that. This is just purely land use, and I think that's what was trying to be emphasized at that planning commission.

Mr. Huhn stated I understand that Jeremy's gotta make money, but what he's built there is cheap trash...

City Administrator Vandall said procedurally one other thing to keep in mind since this is more land use, there's still one more step beyond this. So, it would go to the Planning Commission from a site plan standpoint. If it is objectionable to the Planning Commission, they could evaluate that. If he's trying to put up a hot pink apartment complex, the Planning Commission can vote it down. So, there's still one more step that would go to the Planning Commission to ensure it's a quality unit.

Mayor McNeill responded by saying which means it meets our code.

City Attorney Greg Robinson emphasized to the council that we don't want to get into the weeds of what could be based on our codes. This is entirely whether or not this would be an appropriate land use between a residential area and a commercial area. Is this what the UDO actually promotes? I think the answer to that is, yes. Because it creates the buffer between a primary residential area, to multi-family, to commercial. But that's your decision. What I don't want this council to do is to take into account things that aren't for consideration, and that is paint color, layout. Because we're not there yet. So, do not...

Mayor McNeill clarified that this is specifically to a piece of land being rezoned from one to another. That's all this vote is on.

City Attorney Robinson wanted to be sure that we don't have discussion on sizes, units, cars because that's not part of the zoning.

Crystal Taylor asked if they could request it be re-zoned for agricultural use versus houses?

Mayor McNeill responded if you owned it, you could do it. Unfortunately, it's the owner that would request the rezoning not the community.

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

Approval of Carpet Bids for CED/PW Offices

Below are the bids that were solicited. The two that were received were opened on June 29, 2023:

- City Wide \$39,964.93
- Siefert's Flooring \$21,776.68

Councilmember Brungardt made a motion to accept the low bid of \$21,776.68 and award the project to Siefert's Flooring of Tonganoxie for the installation of carpet per the bid specifications. Councilmember Buehler seconded the motion. Councilmember Kirby, Councilmember Majure, and Public Works Director Michael Spickelmier discussed the difference in

price on the bids and scope of work included in the bids. **Roll Call Vote: Aye: Councilmembers Garvey, Buehler, Clemons, Brungardt, Studnicka, Kirby, and Majure. Nay: none; Abstain: none; Absent: Councilmember Gardner. The motion was approved.**

REPORTS:

Department Heads: Nothing to discuss.

City Attorney: Nothing to discuss.

City Administrator: Nothing to discuss.

Governing Body:

Councilmember Garvey: Thanked the Pool Committee and everyone that showed up to voice their opinion about the Greenamyre project. We appreciate your opinion even though things may not have went your way. Please come back to our meeting and continue to voice your opinion.

Councilmember Buehler: Thanked Mr. Gaslin and Chief Stackhouse for explaining the ISO process and how that works. Thanked Mr. Shukart regarding the housing study and again the advisory committee for the pool. Thanked everyone for coming because we do like hearing your opinions.

Councilmember Clemons: Echoed what was said before about the ISO.

Councilmember Brungardt: Ditto on everything.

Councilmember Studnicka: Ditto on previous comments.

Councilmember Kirby: Discussed with Public Works Director Spickelmier whether the citizens on Beth Street would be notified of any street closures related to upcoming road repairs.

Mayor McNeill: asked Parks and Recreation Director Jason Crum about an email stating the flags at the city rec center are tattered. Both the U.S. flags and the Kansas flag are tattered.

Councilmember Majure: Ditto what everyone else said tonight. Mr. Gaslin and Chief Stackhouse in the next session, can you add the ok, so what to the ISO statement? How it impacts our pocketbook. Because the fact that it's down at a 3 right now. And where it went from a 5 to a 3, because he was on that board, is a huge difference to people's pocketbooks. So, that's adjourned for the next phase of briefings is how that is so important to our city and businesses when those ISO ratings are so low. Asked the City Administrator what was going on with the Country Club.

City Administrator Vandall: A lot of rumors are going around. The unfortunate thing is that he doesn't know much more than the rumors either. He and Mr. Studnicka spoke about it a little bit. He reached out to the CEO. He called and emailed him with no response. As far as he knows, it's on the market.

Councilmember Majure: Has it been sold?

City Administrator Vandall: Unfortunately, again, they haven't reached out to the city at all. So, he doesn't know any more than the council. What he'd say is that sometimes happens with businesses. When Burger King shut down, they didn't call the city. Obviously, this is a lot bigger and more prominent than that. Unfortunately, they haven't reached back out to the city.

Councilmember Majure: Thanked Mr. Shukart and the Pool Committee.

ADJOURNMENT:

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

The meeting was adjourned at 9:16 p.m.

ATTEST:

City Clerk Tish Sims, CMC