

**City of Baldwin City**  
**Minutes from the August 1, 2016**  
**Regular Council Meeting**

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Council members met at 6:30 p.m. at the Baldwin City Fire House to participate in a Fire Department tradition of pushing a new Fire Engine into the Fire House. Fire Chief, Terry Baker was sworn into office by Mayor Pearse.

The Baldwin City Council met in Regular Session at 7:00 p.m. at the Baldwin City Public Library, 800 7th Street, with Mayor Marilyn Pearse presiding.

Present were Council Members: President Kathy Gerstner, Tony Brown, Steve Bauer, Christi Darnell, David Simmons.

Also present were Glenn Rodden, City Administrator, Laura Hartman, City Clerk, Brad Smith Ed Courton, Tina Rakes, Rob Culley, Kenny Oshel, Chris Croucher and Greg Neis.

A. Call to Order:

Mayor Marilyn Pearse called the regular council meeting to order at 7:00 p.m.

B. Budget Hearing: The Budget Hearing began at 7:00 p.m. Mayor Pearse opened the Budget Hearing at 7:00 p.m. asking for comments from the public. There were no comments from the public regarding the 2017 Budget. The Public Hearing was closed. Mayor Pearse opened the Regular session. Time: 7:04 p.m.

Kathy Gerstner moved and Christi Darnell seconded we approve Resolution 2016-14, 2017 City Budget as presented. Motion carried with a vote of 5 yes and 0 no.

The next item on this agenda was Ordinance No. 1345, 2017 Budget Ordinance. Ordinances relating to the Budget are a one-time action item. There was no discussion by Council members.

Kathy Gerstner moved and David Simmons seconded to approve Ordinance No. 1345, 2017 Budget Ordinance. Motion carried with a vote of 5 ayes and 0 nays. Tony Brown- aye, Kathy Gerstner-aye, Steve Bauer-aye, David Simmons-aye and Christi Darnell-aye.

Notice of Vote Publication. According to State legislation, this is the final step in the Budget process. This publication lets the public know what the vote outcome was on the 2017 Budget. Therefore, the Council will need to take action on this item as well.

Tony Brown moved and Kathy Gerstner seconded we approve the Notice of Vote Publication. Motion carried with a vote of 5 yes and 0 no.

C. Consent Agenda:

Christi Darnell moved and Kathy Gerstner seconded to approve the consent agenda as presented. Motion carried with a vote of 5 yes and 0 no.

D. Public Comments: No comments were given at this time.

E. Special Reports or Presentations – There were none at this time.

F. Old Business - David Simmons stated he is in support of the neighborhood revitalization however, he is not in support of the property tax rebate of 95% included in the Resolution. Christi Darnell commented she is looking at this from the back end. She supports the Resolution, stating she is in strong support. Christi said this is not a significant tax issue for the City. She talked of this building being a “gem inside of our town” and is supportive of the language in the Resolution. Tony Brown stated that there are 3 issues to consider and of them being the historic nature of the building. Tony said he didn’t think this will set a precedent for future projects, but is a legitimate concern on tax abatements.. Tony said there is a little more urgency for this project to get it moving forward The Council needs to figure this out with deliberate speed and in a timely manner. Tony shares David’s concerns as well. Kathy Gerstner said she is comfortable with this Resolution as written. Steve Bauer said we have unique opportunity to improve a building that needs it. Steve is supportive to move the Resolution forward and is in favor of the project as well. Steve supports the 95% property tax rebate. Mayor asked if there was further discussion. There was none.

Steve Bauer moved and Christi Darnell seconded to approve Resolution 2016-13 a resolution of support for a neighborhood revitalization program. Motion carried with a vote of 4 yes and 1 no.

Steve Bauer moved and David Simmons seconded to approve Ordinance No. 1341 Amending Chapter XI Public Offenses Possession of Marijuana or THC. Motion carried with a vote of 5 yes and 0 no.

G. New Business: Job Descriptions- Council members had before them the job descriptions that were updated to meet the legal and current practices. David Simmons asked about the exempt status of the City Clerk, Codes Administrator and Electric Lead Journeyman Lineman positions. The Accountant position should be named Accountant Clerk in his opinion. Laura shared the process that took place in updating the job descriptions and that the exempt/non-exempt status for each position was carefully reviewed. The recommendation from the Austin Peters Group legal department supports the current practice. Brad commented about the name “Accountant” stating this is just a name of a position and that current staff in this position meets and exceeds the job descriptions requirements. There were no other comments on the job descriptions.

Steve Bauer moved and Kathy Gerstner seconded to approve the job descriptions as presented. Motion carried with a vote of 5 yes and 0 no.

Vista Pointe final plat was before council. Ed Courton explained this plat contains the property that was recently approved by the Council for annexation and a rezone. . There was no discussion. Christi Darnell moved and Kathy Gerstner seconded to approve the Vista Pointe final plat. Motion carried with a vote of 5 yes and 0 no.

Council members discussed the wording of Ordinance 1346 relating to the dates of increase. After some discussion, Council tabled this Ordinance to the next regular meeting. Kathy Gerstner moved and Tony Brown seconded to table Ordinance 1346. Motion carried with a vote of 5 yes and 0 no.

Mayor Pearse recognized patron Gene Vaughn, 1218 Fremont. Gene shared his comments regarding the Community Center. Gene asked for Council support of a community center.

Kathy was happy with Ordinance 1347, however she thought there was going to be a sunset clause to address the .5 sales tax increase. David was in agreement with Kathy. Steve stated that Section 3 sounded like the funds could be used for whatever, and then put back into the General Fund any time. Glenn explained the legal requirements for an ordinance like this one. Christi Darnell asked Steve Friend what is their plan was for maintenance after 20 years with the .5 sales tax. The Mayor confirmed the maximum is 7.5% and we will have already used up a third of that amount. Steve stated that he wished we didn't have to use .5 cent sales tax increase, but was in favor of having the public vote on it. He says it will be a significant increase to some people. David said there is a voting date of February 1<sup>st</sup>, 2017 and he is concerned about voter turn out..

Christi Darnell moved and Kathy Gerstner seconded to approve Ordinance No. 1347 Levying Sales Tax with the amendment changing the voting date from Feb 1 to Feb 7, 2017. Motion carried with a vote of 4 ayes and 1 nay. Tony Brown- nay, Kathy Gerstner-aye, Steve Bauer-aye, David Simmons-aye, Christi Darnell-aye.

Rob Culley explained Power Cost Adjustment to the Council. Tony said the Utility Committee did discuss this and felt this is the prudent way to address this situation and encouraged the rest of the Council to approve this Ordinance. Tony Brown moved and Kathy Gerstner seconded to approve Ordinance No. 1348 Power Cost Adjustment amendment. Motion carried with a vote of 5 ayes and 0 nays. Tony Brown- aye, Kathy Gerstner-aye, Steve Bauer-aye, David Simmons-aye and Christi Darnell-aye.

#### H. Committee and/or Commission Reports

Finance Committee - Kathy Gerstner – No report

Community Development - Steve Bauer – The Committee will meet next week, Wednesday, August 10<sup>th</sup> at 7:00 p.m., at the Library to discuss the neighborhood revitalization program among other items. David Simmons stated he wanted to be part of the process. There was some discussion if this was allowed. Matt Hoy says Council members must meet the KOMA guidelines for meetings.

Public Health and Safety – David Simmons - No report

Public Works - Christi Darnell - No report

Utilities – Tony Brown – Tony said they will be meeting later this week and will provide the date and time to Laura to post on the Website calendar.

I. City Administrator and Staff Comments

Brad presented the finance report to council and explained how a change in format would be presented to Council.

Laura informed Council Members of the League of Municipalities Annual Conference. Council member should let Laura know if they want her to register them.

Glenn reminded the Council of the Special meeting August 9, 2016 at 6:30 p.m. at the Performing Arts Center.

J. Council & Mayor Comments – There were none.

K. Executive Session – There was no executive session.

L. Adjourn - Kathy Gerstner moved and Christi Darnell seconded to adjourn the regular meeting. Motion carried with a vote of 5 yes and 0 no. Time 8:35 p.m.

Approved by the governing board on 08.15.2016.

Attest:



Laura E. Hartman, City Clerk