

City of Baldwin City
Minutes from the August 15, 2016
Regular Council Meeting

The Baldwin City Council met in Regular Session at 7:01 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, Bill Winegar and Greg Neis. Also attending were Terry Baker, Fire Chief and Matt Hoy, City Attorney

A. Call to Order:

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

B. Consent Agenda:

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

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

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

1. Old Business: Brad Smith reviewed Ordinance No. 1346 with the Council. Council members had discussion regarding the Franchise Fee Ordinance which had been tabled from the August 1, 2016 regular meeting. Tony Brown moved and Christi Darnell seconded to approve Ordinance No. 1346 Franchise Fees City Utilities. Motion carried with a vote of 5 ayes and 0 nays. Tony Brown-aye, Kathy Gerstner-aye, Steve Bauer-aye, David Simmons-aye, Christi Darnell-aye.

E. New Business:

1. Council members had discussion about Ordinance No. 1350, 2016 Standard Traffic Ordinance for Kansas Cities. David stated his concern about voting on this at this time, as this is a first reading. Kathy Gerstner agreed with David's comments. Steve Bauer commented on the ordinance that the Council passed regarding first reading/second reading and it seems we really have not moved forward with the procedure. Chief Neis talked about how the Police Department is to enforce the law and be consistent with State Statute. Chief Neis also explained what the changes were for the 2016 Code. David stated

he did not want to vote at this time in order to give the public time to comment. He also added he had not had time to read through it to see what the changes were being made. The agenda item was tabled until the September 6, 2016 meeting.

2. Council members had a discussion about Ordinance No. 1349, 2016 Uniform Public Offense Code for Kansas Cities. The same opinion as given above was applied to this agenda item. This agenda item was tabled until the September 6, 2016.
3. Council members had a discussion about the revised Personnel Manual. David stated he didn't feel like council should vote on this tonight. He said he just got this manual Friday and hasn't read through the manual. He also added he wanted the public to be able to have time to comment on the manual. Steve said the Employee Personnel Manual is not for the public to comment on and disagreed with David's comments. Steve added that he trusts the staff that worked on the manual and that this is their job and why they are hired. They are hired to do their job, they bring us the recommendation. Steve stated Council should not be undermining their work. Mayor Pearse commented that all department heads as well as staff were involved in the process. Tony asked when was the last update. Laura stated 6 years ago. Christi said she has concerns with the manual because she was on the Council earlier when they voted on the manual. She added she felt the council's hands were tied in making personnel decisions and didn't want that to happen again. David said he does not believe the council should vote at this time. Steve said he disagreed. Steve Bauer moved to approve the Personnel Manual as presented. Motion failed with the lack of a second. Mayor Pearse tabled the agenda item until the September 6, 2016 meeting due to a lack of a second to the motion.
4. Mayor Pearse made the appointments for the Public Building Commission as follows; Christi Darnell, David Simmons and Ed Courton. This committee will serve one year.
5. Brad explained what Resolution 2016-16 would support. Tony said the Utility committee recommends to pass this resolution. Tony Brown moved and Christi Darnell seconded to approve Resolution 2016-16 Utility Fund Balance Policy. Motion carried with a vote of 5 yes and 0 no.

F. Committee and/or Commission Reports

Finance Committee - Kathy Gerstner – no report

Community Development - Steve Bauer – Ed informed the Council about two subjects: 1) A proposed "Growth Plan" Request for Proposal; and 2) Revisions to the Neighborhood Revitalization Program property tax rebates. Both items still need to be discussed in the Committee and if the Committee wants to move forward with either of them, then they will move forward to the Council. .

Public Health and Safety – David Simmons - no report

Public Works - Christi Darnell - No meeting, but said there is a group in community discussing the connection of the trails in Baldwin City and the Prarie Spirit trail. She asked what committee this should be referred to. Mayor Pearse stated it would touch several committees and asked Christi to continue to pursue it since she was familiar with the discussions on trails.

Utilities – Tony Brown – Met last week and discussed Franchise Fee changes, Utility Fund Balance Policy and the Wellsville water rate. Brad talked about the Wellsville water rate and the process. Mike Brundgardt, Wellsville spokesperson, also talked about the contract and reiterated Brads comments. Mike reminded the Council that Baldwin City and Wellsville are still under contract until next year. So, working on this at this time is a step forward. David asked when does the contract expire. Brad thought sometime in 2017, maybe January.

Mike said Wellsville is not asking for anymore water allocation or pressure. He said just having a contract in place before the current contract expires, which will include a higher rate, would be a big step forward.

G. City Administrator and Staff Comments

Glenn talked about the sales tax and the date that was on the ordinance. The State noticed the date and said the City cannot do this. Glenn said he will be bringing this ordinance back to the Council with the correct date. Glenn also talked about the sunset clause. Kathy stated she would like to have a sunset clause, but was unsure of what date to put in the ordinance. The Mayor suggested to continue the discussion at the next regular meeting. Christi supports the sunset clause and states it is always a good idea to allow the citizens to come back to vote. David asked if the citizens had the ability to come back before the sunset clause? Glenn said no, they could not, however the council could change the time, and it would have to go back to the citizens for a vote. Mayor asked how many years were council members thinking? Council continued discussion. Council agreed to a 25 year sunset clause.

H. Council & Mayor Comments –

Christi talked about collaboratively working on heating and air options with the school district and asked if Glenn had a chance to visit with the Superintendent. Glenn said he will pursue this with the school district.

David Simmons opined on not making decisions quickly. David said he feels that he should not be chastised for wanting to do this. He also added he didn't want to feel pressured to make a decision and vote. He said the process is important and we should follow the process. Christi said she wanted to apologize if this comment was directed at her and appreciated David's perserverance to keep the letter of the law.

I. Executive Session – Kathy Gerstner moved and Christi Darnell seconded to go into Executive Session for Attorney-Client Privilege and to come back into regular session at 8:27 p.m.

- Kathy Gerstner moved and David Simmons seconded to extend executive session 10 minutes. Motion carried with a vote of 5 yes and 0 no. Time: 8:27 p.m.

J. 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 8:37 p.m.

Approved by the governing board on September 6, 2016

Attest:



Laura E. Hartman, City Clerk

